Clearinghouse Review

NATIONAL CLEARINGHOUSE FOR LEGAL SERVICES, INC.

VOLUME 24

ANNUAL INDEX

May 1990 - April 1991

Clearinghouse Review

Annual Index

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Vol. 24
May 1990 to April 1991

Editor

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Published by
National Clearinghouse for Legal Services, Inc.
407 S. Dearborn
Chicago, IL 60606

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ACKNOWLEDGMENTS

THE CLEARINGHOUSE IS PLEASED TO PUBLISH THE ANNUAL INDEX to Volume 24. In addition to its standard sections, the design for this index has been improved to ease reading and facilitate research. Readers are reminded to use the Index in conjunction with the Cumulative Index to volumes 1-17, the Annual Indexes to Volumes 18, 19, 20, 21, 22, and 23, and the LSC Data Base maintained on the Westlaw computer system for comprehensive research in Clearinghouse case files. In addition, please feel free to call library assistance and/or to request a free Electronic File Room (EFR) search of the Clearinghouse internal computer system.

Cases in Volume 24 are all online and searchable at the Clearinghouse. To request an EFR search, call toll-free 1-800-621-3256 (outside of Illinois) or call collect 1-312-939-3834 (within Illinois). You will receive a copy of the abstracts retrieved and copies of the documents clearly on point. Please specify that you are requesting a free search, since the toll-free numbers are also used for Westlaw and Dialog requests, which are not free, and for document orders. (Programs not funded by the Legal Services Corporation or the Administration on Aging must pay the usual photocopying and postage charges for documents described on the order forms found in back of this Index.)

The *Clearinghouse Review* Annual Index editor is John Blaser, who also copy edits the *Review* and other Clearinghouse publications. Special thanks are due to John for his extra efforts in making the Index as accurate and as comprehensive as possible. Producing the Index is a year-round project, and John has already begun work on the Volume 25 Index. Thanks are also due to Gretchen Schroeder for editorial assistance.

Our annual indexes are crucial to your legal research, and they make all of the monthly issues of the *Review* more useful. If you have suggestions or comments on ways to improve the Index, please write or call.

Lucy Moss
Assistant Director

How to Use This Index

THIS INDEX REPRESENTS A TOPICAL CATEGORIZATION OF ALL CASE Developments, Advance Sheet Highlights, articles, columns, and Federal Register Highlights that have been reported in the *Clearinghouse Review* during its 24th volume year, May 1990 through April 1991.

The Casetable lists alphabetically all cases reported in either the Case Developments or Advance Sheet Highlights sections of the *Review*. For each case, the following information is provided: the Clearinghouse Number, in brackets; any case citations or date of decision, reported with the most recent citation last; and the page number(s) of the *Review* on which the case appears. The Topical Index classifies all cases reported in the Case Developments and Advance Sheet Highlights sections of the *Review*. Most headings contain *see* and *see also* references directing readers to other major subject headings for information on that topic. Within each major heading, the cases listed are divided into subtopics, often spanning two or more levels or categories representing the most specific issues covered by that case. Users are advised to search the Topical Index for the names of cases that involve specific research topics, and then to refer to the Casetable for more detailed citation information.

The Articles and Columns sections of this Index list articles and columns published in the *Review* by author name and by topic. The Articles and Columns topical index also contains short summaries of all articles and columns indexed. The Federal Register Highlights section lists items under major headings only. Items are listed alphabetically within each category and include the page numbers on which the items appear in the *Review*. For comprehensive research, readers are advised to use this Index in conjunction with the Cumulative Index to volumes 1-17 of the *Clearinghouse Review* and the Annual Indexes to volumes 18, 19, 20, 21, 22, and 23.

John Blaser
Index Editor

Monthly Issues	Pages	Monthly Issues	Pages
May 1990	1-86	November 1990	661-780
June 1990	87-192	December 1990	781-910
July 1990	193-310	January 1991	911-1130
August/September 1990	311-422	February 1991	1131-1238
Special Issue, Summer 1990	423-530	March 1991	1239-1346
October 1990	531-660	April 1991	1347-1428

Table of Contents

■ ARTICLES & COLUMNS

AUTHOR INDEX 3

TOPICAL INDEX 9

■ FEDERAL REGISTER HIGHLIGHTS

TOPICAL INDEX 17

■ CASE DEVELOPMENTS & ADVANCE SHEET HIGHLIGHTS

TOPICAL INDEX 23

ABORTION 25

ADMINISTRATIVE LAW 25

ADOPTION 25

AID TO FAMILIES WITH DEPENDENT CHILDREN 25

AIDS 28

ALIENS 28

ATTACHMENT 28

ATTORNEY FEES 28

ATTORNEYS 30

AUTOMOBILES 30

BANKRUPTCY 30

BLACK LUNG BENEFITS 31

CIVIL PROCEDURE 31

CIVIL RIGHTS 35

CLASS ACTION 35

COMMUNITY DEVELOPMENT 36

CONSUMER 36

CONTRACTS 38

CRIMINAL LAW AND PROCEDURE 38

DAY CARE 38

DEPENDENT AND NEGLECTED CHILDREN 38

DIVORCE 41

DOMESTIC RELATIONS 42

DRUG TESTING 43

DUE PROCESS 43

ECONOMIC DEVELOPMENT 44

EDUCATION 44

ELECTIONS 45

EMINENT DOMAIN 45

EMPLOYMENT 45

EMPLOYMENT DISCRIMINATION 46

ENERGY 47

ENVIRONMENTAL LAW 47

EQUAL PROTECTION 48

EVIDENCE 48

FOOD PROGRAMS 49

FREEDOM OF INFORMATION 50

GARNISHMENT 50

GOVERNMENT 50

HANDICAPPED PERSONS 50

HEALTH 52

HILL-BURTON ACT 52

HOMELESS 52

HOUSING 52

ILLEGITIMATE CHILDREN 57

IMMIGRATION 58

IN FORMA PAUPERIS 58

INCOME TAX 59

INDIANS 59

INSURANCE 59

JAILS 59

JUDGES 59

JURIES 59

JUVENILE COURTS 59

JUVENILE INSTITUTIONS 59

JUVENILES 59

LANDLORD-TENANT 60
LANGUAGE DISCRIMINATION 60
LEGAL SERVICES 60
LIENS 60
MEDICAID 60
MEDICAL ASSISTANCE PROGRAMS 62
MEDICARE 62
MENTAL HEALTH 63
MIGRANTS 64
MILITARY 65
MOBILE HOMES 65
MUNICIPAL-GOVERNMENT SERVICES 65
NATIVE AMERICANS 65
PARDON AND PAROLE 66
PATERNITY 66
PENSIONS 66
POLICE 66
PRISONS 66
PRIVACY 68
PUBLIC HOUSING 68
PUBLIC TRANSPORTATION 68
PUBLIC UTILITIES 68
RAILROAD RETIREMENT PLAN 68
RELOCATION 68
REPOSSESSION 68
RURAL ISSUES 69
SENIOR CITIZENS 69
SOCIAL SECURITY PROGRAMS 69
SUPPLEMENTAL SECURITY INCOME 72
TAXES 74
TRUTH IN LENDING 74
UNEMPLOYMENT COMPENSATION 74
UNIONS 76
URBAN RENEWAL 76
VETERANS 76
WELFARE 76
WOMEN'S RIGHTS 78
WORKER'S COMPENSATION 78
ZONING 78
CASETABLE 79

ARTICLES & COLUMNS

AUTHOR INDEX

American Civil Liberties Union; Food Research and Action Center
Introduction to the WIC and CSFP Programs, 820

Bailey, Ann
Legal Services, Poor Clients, and the "War on Drugs," 504

Beck, Deborah
See Gates, David

Besharov, Douglas J.
The Feminization of Poverty: Has Legal Services Failed to Respond?, 210

Representing Parents: Effective Advocacy Can Make a Difference, 467

Birnbaum, Jill
See National Center on Women and Family Law

Bryson, David B.; Youmans, Roberta L.
Crime, Drugs, and Subsidized Housing, 435

Burns, Anne M.
See Wang, Lu-in

Bussiere, Alice
See National Center for Youth Law

Center for Law and Education
Developments in Education Law, 1062

Center on Social Welfare Policy and Law
AFDC Eligibility of Caretaker Relatives Who Care for Children Receiving SSI, 685

Welfare Law Developments, 1074

Collins, Elmira
A Citizen Without Justice Is Like a Body Without Blood, 510

Colton, Roger G.
See National Consumer Law Center

Cyr, Renee
See Milstein, Bonnie

DeCoteau, Jerilyn
See Moore, Steve

Deford, Gill
See National Senior Citizens Law Center

DeWolfe, Ruthanne
Prison Law Developments: Alternatives to Incarceration, 1042

Edelman, Toby S.
The Nursing Home Reform Law: Issues for Litigation, 545

Emsellem, Maurice
See National Employment Law Project

English, Abigail
Prenatal Drug Exposure and Pediatric AIDS: New Issues for Children's Attorneys, 452

Fink, Janet R.
Effects of Crack and Cocaine on Infants: A Brief Review of the Literature, 460

Food Research and Action Center; Shapiro, Eve H.; Super, David A.
USDA Expands Eligibility for Emergency Food Stamps, 683

See also American Civil Liberties Union

Fretz, Burton
See Hall, Gridley

Gates, David; Beck, Deborah
Prevention and Treatment: The Positive Approach to Alcoholism and Drug Dependency, 472

Gottlich, Vicki
The Effects of the *Cruzan* Case on the Rights of Elderly Clients, 663

Gottlich, Vicki; Koblenz, Esther
COBRA Continuation Coverage: It's Not Just for Health Lawyers Anymore, 538

Greenberg, Mark
Drugs and the JOBS Program, 493

Hall, Gridley; Fretz, Burton
Legal Services in the Third World, 783

Hancock, Paul F.
Justice Department Seeks Help from Legal Services in Fighting Housing Discrimination, 104

Hauhart, Robert C.
The First Year of Operating a Prisoners' Legal Services Program: Part I, 106

The First Year of Operating a Prisoners' Legal Services Program: Part II, 219

Hill, Chuck
See National Consumer Law Center

Hommel, Penelope A.
See Wang, Lu-in

Houseman, Alan W.
Poverty Law Developments and Options for the 1990s, 2

Johnston, Diana A.
Drugs and Public Housing: A Connecticut Case Study, 448

Jones, Sandra D.
Disaster Follows Disaster, 1132

Juengert, Laurie
See National Employment Law Project

Koblenz, Esther
See Gottlich, Vicki

Lawlor, Brian Patrick; Vera, Yolanda Carmen
The Limits of the *Elliott* Doctrine: Preserving Civil Rights Claims in the Wake of State Agency Decisions, 194

LSC Board of Directors
Legal Services Corporation Memorandum on Drugs and Board Resolution, 513

Manes, Joseph; Mental Health Law Project
Late-Breaking Legislative Developments Affecting People with Mental Disabilities, 1114

McCormack, Thomas; Petersen, David
"Living Benefits" for the Insured, Terminally Ill Client: A Remarkable New Resource with Tax, SSI, and Medicaid Implications, 1348

McHugh, Richard W.; Seltzer, Robert A.
Unemployment Insurance and Drug Testing: A Survey and Analysis of the Developing Law, 811

Melden, Michele
Medicaid and Managed Care: Testimony Submitted to the House Subcommittee on Health and the Environment, 1139

See also National Health Law Program

Mental Health Law Project
Developments in Mental Disability Law—1990, 959

See also Manes, Joseph

Migrant Legal Action Program
Farmworker Law Developments in 1990, 1086

Milstein, Bonnie; Rubenstein, Leonard; Cyr, Renee
The Americans with Disabilities Act: A Breathtaking Promise for People with Disabilities, 1240

Minorini, Paul; Stein, Jonathan
Placing School Lunch and Breakfast Programs Back on the Advocacy Menu, 1358

Miskowiec, Mike
The New FmHA Appeals Process and National Appeals Staff, 671

Moore, Steve; DeCoteau, Jerilyn
1990 Decisions of the United States Supreme Court: Erosion of Native Tribal and Religious Rights, 991

Moore, Wayne
Delivery of Legal Services to the Elderly: A Look into the Future, 575

National Center for Youth Law
Youth Law Developments, 1017

National Center for Youth Law; Bussiere, Alice
Congress Eliminates Discrimination Against Adopted Children in the Social Security Program, 119

National Center on Women and Family Law; Birnbaum, Jill
Expert Testimony in Custody and

Visitation Cases Involving Child Sexual Abuse, 699

National Consumer Law Center
Consumer and Energy Law Developments During 1990, 937

Study Finds Unmet Need for Utility Service Advocacy, 679

National Consumer Law Center; Colton, Roger G.; Rao, John
When the Phone Company Is Not the Phone Company: Credit Reporting in the Postdivestiture Era, 98

National Consumer Law Center; Hill, Chuck
Center Releases Report on the Impact of Energy Costs on the Poor, 234

Challenges to the Focus on the Crisis Component of the Energy Assistance Program, 233

National Economic Development and Law Center
Facing the Local Redevelopment Agency, 1051

National Employment Law Project; Emsellem, Maurice
Employee Privacy Rights: The Employee Polygraph Protection Act of 1988, 1367

National Employment Law Project; Juengert, Laurie
Fetal Protection Policy Struck Down by California Court of Appeals, 697

What Is Left of Section 1981 Protection for Victims of Racial Harassment in the Workplace: The Impact of *Patterson v. Mclean*, 693

National Health Law Program
Health Care for the Poor, 949

National Health Law Program; Melden, Michele
Expanding Medicaid Access to Home Health Care Services, 673

National Housing Law Project
Federal Housing Law Developments, 1028

National Immigration Law Center
Developments in Employment Rights Under Immigration Law, 1100

National Legal Center for the Medically Dependent and Disabled
Medical Treatment for Older People and People with Disabilities, 980

National Senior Citizens Law Center
The Law of Elderly Poor People in 1990, 1004

National Senior Citizens Law Center; Deford, Gill
Two Late-Term Sleepers from the Supreme Court Pose Questions for Advocates, 705

National Senior Citizens Law Center; Nemore, Patricia
Changes in OBRA-90 Affecting Medicaid Eligibility and Services for the Elderly and Disabled, 1362

National Senior Citizens Law Center; Wilson, Sally Hart
Defenses for Medicare Beneficiaries Against Recoupment of Liability Insurance Payments, 117

National Veterans Legal Services Project
Agent Orange Payment Program Update, 690

Court of Veterans Appeals Issues First Major Decision, 236

VA Conceals Critical Pension Rules in Unpublished General Counsel Memoranda, 687

VA Issues Interim Guidelines on Debt Collection Waiver, 829

Veterans' Law Developments, 914

Nemore, Patricia
See National Senior Citizens Law Center

Pallack, David
California Trial Court Restricts Tenant Reporting Agency's Practices: *Cisneros v. The U.D. Registry, Inc.*, 88

Pennington, Joan
Family Law Developments, 925

Pepper, Beth
Recent Revisions to Nursing Home Requirements Will Protect Older People with Mental Disabilities, 1274

Petersen, David
See McCormack, Thomas

Project Advisory Group
Future Funding Goals for National Support Centers, 1223

Ramp, David L.
Renting to Own in the United States, 797

Rao, John
See National Consumer Law Center

Roberts, Paula
Child Support Enforcement in 1990, 997

Substance Abuse Issues in Legal Services Practice: An Overview, 426

Roisman, Florence Wagman; Tegeler, Phillip
Improving and Expanding Housing Opportunities for Poor People and People of Color: Recent Developments in Federal and State Courts, 312

Rosenthal, Laura M.
Health Coverage for the Uninsured: A Primer for Legal Services Advocates, 1250

Rubenstein, Leonard
See Milstein, Bonnie

Sabatino, Charles P.
Nursing Home Admission Contracts: Undermining Rights the Old-Fashioned Way, 553

Schuster, Michael R.; Vignery, Bruce B.
Surrogate Decisionmaking Under the Omnibus Budget Reconciliation Act of 1987: A Flawed Remedy,? 572

Seltzer, Robert A.
See McHugh, Richard W.

Shapiro, Eve H.
See Food Research and Action Center

Smith, Brenda V.
Improving Substance Abuse Treatment for Women, 490

Spradling, Charles G.
Using Bankruptcy to Thwart PHA Evictions, 818

Stein, Jonathan
See Weishaupt, Richard

See also Minorini, Paul

Stiegel, Lori A.
Proposed Solutions to Social Security Representative Payee Problems, 570

Strauss, Karen Peltz
Recent Federal Activity in Disability Law, 972

Super, David A.
See Food Research and Action Center

Sweeney, Eileen P.
OBRA-90 Changes in Social Security and SSI Will Benefit Applicants and Beneficiaries, 1266

Update on Important Social Security and SSI Provisions of OBRA-89, 532

Tegeler, Phillip
See Roisman, Florence Wagman

Tollett, Erica E.
Drug Abuse and the Low-Income Community, 496

Tull, John A.
Implications of Emerging Substantive Issues for the Delivery System for Legal Services for the Poor, 17

Vera, Yolanda Carmen
See Lawlor, Brian Patrick

Vignery, Bruce B.
See Schuster, Michael R.

Wang, Lu-in; Burns, Anne M.; Hommel, Penelope A.
Trends in Guardianship Reform: Roles

and Responsibilities of Legal Advocates, 561

Weishaupt, Richard; Stein, Jonathan
Supreme Court's *Zebley* Decision Will Greatly Expand Eligibility for SSI Childhood Disability Benefits and Medicaid, 229

Wilson, Sally Hart
See National Senior Citizens Law Center

Wood, Erica F.
Toward a Barrier-Free Courthouse: Equal Access to Justice for Persons with Physical Disabilities, 557

Youmans, Roberta L.
See Bryson, David B.

ARTICLES & COLUMNS

TOPICAL INDEX

ATTORNEYS/LEGAL SERVICES

Delivery of Legal Services to the Elderly: A Look into the Future, by Wayne Moore, 575
Free legal hotlines for senior citizens may be the delivery system of the future.

Disaster Follows Disaster, by Sandra D. Jones, 1132
This article describes the organization of federal disaster relief programs, how the Federal Emergency Management Agency responded to Hurricane Hugo and the Loma Prieta earthquake in fall 1989, and how legal services programs can prepare to assist clients in the event of a disaster.

The Feminization of Poverty: Has Legal Services Failed to Respond?, by Douglas J. Besharov, 210
This article argues that legal services programs have not recognized and responded to the increased feminization of poverty and the related increased need for assistance in family law matters, due, in large part, to priority-setting processes dominated by lawyers.

Future Funding Goals for National Support Centers, by the Project Advisory Group, 1223
This article summarizes issues considered by the Funding Criteria Committee and the Steering Committee of the Project Advisory Group in setting future funding goals.

Implications of Emerging Substantive Issues for the Delivery System for Legal Services for the Poor, by John A. Tull, 17
Meeting the changing substantive needs of clients in the new decade calls for adjustments in the legal services delivery system. This article examines the impact of this challenge on key aspects of program operation and analyzes the types of advocacy that will be necessary.

Legal Services Corporation Memorandum on Drugs and Board Resolution, by the LSC Board of Directors, 513
On June 25, 1990, the LSC Board of Directors adopted a resolution urging all legal services grantees to adopt immediately policies that discourage representation of persons involved in drug-related activities in drug-related eviction proceedings, and urging Congress to prohibit LSC grantees from engaging in such representation.

Legal Services in the Third World, by Gridley Hall and Burton Fretz, 783
There is a paramount need for legal help in Third World countries to secure the implementation of existing rights. This article describes Third World legal assistance projects and their philosophies and activities, and analyzes their logistical limitations and potential for successful representation of defined client communities.

Legal Services, Poor Clients, and the "War on Drugs," by Ann Bailey, 504
This article offers a former client's perspective on what legal services advocates can and should be doing to help low-income communities fight the drug war.

Poverty Law Developments and Options for the 1990s, by Alan W. Houseman, 2
Legal services programs face fundamental resource allocation and priority decisions as they enter the 1990s, as clients will face new legal problems and a new type of practice will become necessary for effective advocacy. This article explores developments in family law, public benefits, and housing to illustrate these changes and the options that they pose for local priority setting.

Substance Abuse Issues in Legal Services Practice: An Overview, by Paula Roberts, 426
The problem of substance abuse is having a major impact on four substantive areas of law: health, domestic relations, public benefits, and housing. This article provides an overview of the new legal issues related to drug use that are emerging in these areas.

CIVIL PROCEDURE/ ADMINISTRATIVE LAW

The Limits of the *Elliott* Doctrine: Preserving Civil Rights Claims in the Wake of State Agency Decisions, by Brian Patrick Lawlor and Yolanda Carmen Vera, 194
With its 1986 decision in *University of Tennessee v. Elliott*, the Supreme Court continued to expand the boundaries of federal preclusion rules and their application to civil rights claims; *Elliott* was the first case in which the Supreme Court determined the preclusive effect to be given to findings of fact made by a state administrative agency, as opposed to a state court judgment, in a later suit in federal court asserting section 1983 claims.

CIVIL RIGHTS

What Is Left of Section 1981 Protection for Victims of Racial Harassment in the Workplace: The Impact of *Patterson v. Mclean*, by Laurie Juengert, National Employment Law Project, 693
The Supreme Court's decision in *Patterson v. McLean Credit Union* has virtually eliminated the availability of section 1981 to victims of racial harassment. This article will discuss several interpretations of the *Patterson* decision, including the areas left untouched by the Court's limiting interpretation of section 1981's scope of coverage and protection.

CONSUMER

Consumer and Energy Law Developments During 1990, by the National Consumer Law Center, 937
This article reviews consumer law developments in bankruptcy, collection of student loans, defenses to home foreclosures, and abusive rent-to-own practices, and discusses energy law developments, including struggles over adequate federal funding for LIHEAP and the Low Income Weatherization Assistance Program.

Renting to Own in the United States, by David L. Ramp, 797
The author argues that rent-to-own transactions are genuine sales transactions subject to credit sales laws and describes recent state and federal legislation that would sanction many of the practices of rent-to-own dealers.

When the Phone Company Is Not the Phone Company: Credit Reporting in the Postdivestiture Era, by Roger G. Colton and John Rao, National Consumer Law Center, 98
Applicability of Fair Credit Reporting Act Requirements to local telephone companies that bill and collect for long distance carriers such as AT&T opens a new line of consumer remedies which were not available prior to the breakup of the Bell system.

DOMESTIC RELATIONS

Child Support Enforcement in 1990, by Paula Roberts, 997
New time frame regulations and interstate enforcement of support are cause for optimism about the future of the IV-D system; however, the relationship between IV-D attorneys and their clients continues to be a trouble spot.

Expert Testimony in Custody and Visitation Cases Involving Child Sexual Abuse, by Jill Birnbaum, National Center on Women and Family Law, 699
This article discusses the reasons that advocates of sexually abused children may have for introducing expert testimony, the circumstances under which courts are likely to allow such testimony, and the factors that influence the courts' decisions. It also provides information on the results of studies involving the behavior of sexually abused children.

Family Law Developments, by Joan Pennington, 925
While the trend to mandate the arrest of spouse abusers continues, a growing number of states have passed legislation requiring courts to consider history of abuse in a family as a factor in making custody awards.

Representing Parents: Effective Advocacy Can Make a Difference, by Douglas J. Besharov, 467
The legal representation that parents receive in child protective proceedings often leaves much to be desired—from the point of view of the parents as well as society. This article argues that parental rights can be protected without jeopardizing the safety and well-being of maltreated children, and that society benefits when court intervention is limited to situations of real danger to children.

ECONOMIC DEVELOPMENT

Facing the Local Redevelopment Agency, by the National Economic Development and Law Center, 1051
In July 1990, the Legal Aid Foundation of Los Angeles filed suit to halt one of the most ambitious redevelopment plans in the country; this suit and the circumstances surrounding it highlight several important issues regarding the redevelopment process when a local redevelopment agency initiates and adopts a development strategy in a low-income neighborhood.

EDUCATION

Developments in Education Law, by the Center for Law and Education, 1062
This article describes 1989 and 1990 developments in education law, including special education, school discipline, students of limited English proficiency, and state school finance systems.

EMPLOYMENT

Drugs and the JOBS Program, by Mark Greenberg, 493
AFDC recipients with substance abuse problems may need legal help in interacting with the JOBS Program (1) to be excused from program participation based on a substance abuse problem; (2) to defend against a sanction based on the substance abuse problem; (3) to seek affirmative substance abuse remediation from the JOBS Program; or (4) to defend agains compelled participation in treatment as a JOBS activity.

Employee Privacy Rights: The Employee Polygraph Protection Act of 1988, by Maurice Emsellem, National Employment Law Project, 1367
Enacted in response to employers' increased reliance on lie detector testing and mounting evidence of the poor reliability of such testing, the Employee Polygraph Protection Act broadly proscribes the use of lie detector testing as a condition of employment.

Fetal Protection Policy Struck Down by California Court of Appeals, by Laurie Juengert, National Employment Law Project, 697
This article discusses several employment discrimination cases centering on employers' fetal protection policies, including *Johnson Controls, Inc. v. California Fair Employment and Housing Commission*, in which a three-judge panel of the California Court of Appeals struck down a private employer's fetal protection policy.

What Is Left of Section 1981 Protection for Victims of Racial Harassment in the Workplace: The Impact of *Patterson v. Mclean*, by Laurie Juengert, National Employment Law Project, 693
See CIVIL RIGHTS for article summary.

FOOD PROGRAMS

Introduction to the WIC and CSFP Programs, by the American Civil Liberties Union and the Food Research and Action Center, 820
The Special Supplemental Food Program for Women, Infants, and Children and the Commodity Supplemental Food Program are preventive programs that provide special foods, nutrition education, referrals to health care and other services, and supportive services to pregnant and postpartum women, infants, and young children.

Placing School Lunch and Breakfast Programs Back on the Advocacy Menu, by Paul Minorini and Jonathan Stein, 1358
Under a little-publicized 1989 amendment to the National School Lunch Act, a school district may directly certify children of families receiving AFDC or food stamp benefits as "automatically eligible" for free lunches and breakfasts; this article describes how advocates in Philadelphia worked with the local school district to expand participation in these programs.

USDA Expands Eligibility for Emergency Food Stamps, by Eve H. Shapiro and David A. Super, Food Research and Action Center, 683
This article discusses the traditional methods for determining eligibility for expedited food stamps and suggests alternative methods that may help increase the number of households that are eligible for expedited food stamps.

GOVERNMENT AND GOVERNMENTAL SERVICES

Disaster Follows Disaster, by Sandra D. Jones, 1132
See ATTORNEYS/LEGAL SERVICES for article summary.

HANDICAPPED PERSONS

The Americans with Disabilities Act: A Breathtaking Promise for People with Disabilities, by Bonnie Milstein, Leonard Rubenstein, and Renee Cyr, 1240
The Americans with Disabilities Act (ADA) protects people with both physical and mental disabilities from discrimination

in private employment, public accommodation, public transportation, telecommunications, and other public services; this article analyzes the ADA primarily as it applies to people with mental disabilities.

Recent Federal Activity in Disability Law, by Karen Peltz Strauss, 972
The Americans with Disabilities Act, enacted in 1990, promises sweeping protections against discrimination for millions of Americans with disabilities, while the Civil Rights Act of 1990, designed to restore and improve employment protections for various minority groups, was not as successful. This article summarizes these and other recent federal developments that will affect programs and activities for disabled persons.

HEALTH

Changes in OBRA-90 Affecting Medicaid Eligibility and Services for the Elderly and Disabled, by Patricia Nemore, National Senior Citizens Law Center, 1362
The Omnibus Budget Reconciliation Act of 1990 contained numerous provisions affecting Medicaid eligibility and services for elderly and disabled people, including buy-in provisions, provisions affecting spousal impoverishment, and other coverage provisions.

COBRA Continuation Coverage: It's Not Just for Health Lawyers Anymore, by Vicki Gottlich and Esther Koblenz, 538
COBRA questions may arise in the context of unemployment compensation, divorce, child custody, and social security disability cases; this article provides an overview of COBRA and a guide to enforcing beneficiaries' rights under the Act.

Defenses for Medicare Beneficiaries Against Recoupment of Liability Insurance Payments, by Sally Hart Wilson, National Senior Citizens Law Center, 117
This article addresses the Medicare Secondary Payer situation in which Medicare makes conditional payment for medical services and then seeks recovery from liability insurance proceeds.

Drug Abuse and the Low-Income Community, by Erica E. Tollett, 496
This article describes the incidence of cocaine and crack abuse in low-income and minority populations, examines the consequences of such abuse, and describes treatment alternatives, particularly for women and children.

Expanding Medicaid Access to Home Health Care Services, by Michele Melden, National Health Law Program, 673
This article discusses Medicare coverage of home health care services, including mandatory home health care services, optional coverage of home health care services, "Katie Beckett" waivers (an optional categorically needy group), and home- and community-based services waivers. This article also discusses legal arguments that advocates can advance to ensure that recipients obtain access to the home health care services to which they are entitled.

Health Care for the Poor, by the National Health Law Program, 949
In 1990, HCFA addressed several Medicaid issues, the Medicare provisions of OBRA-89 began to be implemented, a number of states passed laws providing coverage for the uninsured, federal legislation expanded coverage for indigent hospital patients and handicapped persons, and courts ruled on a variety of Medicaid, Medicare, and Hill-Burton issues.

Health Coverage for the Uninsured: A Primer for Legal Services Advocates, by Laura M. Rosenthal, 1250
In the past, legal services practice in the area of non-Medicaid indigent care focused almost exclusively on litigation to extract the maximum benefit from generally inadequate state and county indigent care programs; more recently, advocates have begun representing low-income clients in broader efforts to expand coverage for the uninsured.

Improving Substance Abuse Treatment for Women, by Brenda V. Smith, 490
This article describes the components of successful treatment programs for pregnant alcohol- or drug-dependent women and lists several existing programs.

"Living Benefits" for the Insured, Terminally Ill Client: A Remarkable New Resource with Tax, SSI, and Medicaid Implications, by Thomas McCormack and David Petersen, 1348
Little-noticed outside of the AIDS service and advocacy community, an imaginative "viatical settlements" industry has emerged, offering accelerated benefits to terminally ill insureds with time-limited life expectancies (typically six months or less); this article discusses the process of obtaining viatical settlements, as well as the tax, SSI, and Medicaid implications of such payments.

Medicaid and Managed Care: Testimony Submitted to the House Subcommittee on Health and the Environment, by Michele Melden, 1139
This article discusses capitation of health care costs as an incentive to control overutilization and the special problems for Medicaid recipients that result from this incentive mechanism.

Medical Treatment for Older People and People with Disabilities, by the National Legal Center for the Medically Dependent and Disabled, 980
In 1990, the Supreme Court reviewed a guardian's authority to withhold nutrition and hydration from a permanently disabled incompetent adult, while state courts continued to examine the rights of competent and incompetent patients, including "mature minors," to forgo life-sustaining treatment.

The Nursing Home Reform Law: Issues for Litigation, by Toby S. Edelman, 545
Effective October 1, 1990, the nursing home reform law sets a new standard of care for nursing facilities; federal law now requires facilities to provide care and services in a way that enables each resident to attain and maintain his or her highest practicable physical, mental, and psychosocial well-being.

Prevention and Treatment: The Positive Approach to Alcoholism and Drug Dependency, by David Gates and Deborah Beck, 472
To represent drug-dependent and alcoholic clients adequately, advocates must be aware of and use treatment resources available in the community; this article describes various types of treatment and sources of funding to create and expand programs that meet unique client needs.

Surrogate Decisionmaking Under the Omnibus Budget Reconciliation Act of 1987: A Flawed Remedy?, by Michael R. Schuster and Bruce B. Vignery, 572
This article discusses recent federal developments dealing with surrogate decisionmaking and makes suggestions as to how advocates should advise clients on the uses of these arrangements.

HOUSING

A Citizen Without Justice Is Like a Body Without Blood, by Elmira Collins, 510

Elmira Collins is a public housing tenant in Ann Arbor, Michigan; this article is adapted from her remarks before the LSC Board of Directors in June 1990.

California Trial Court Restricts Tenant Reporting Agency's Practices: *Cisneros v. The U.D. Registry, Inc.*, by David Pallack, 88

Recent litigation, described in this article, has restricted practices of a California tenant agency which collects information on virtually every eviction case filed in California.

Crime, Drugs, and Subsidized Housing, by David B. Bryson and Roberta L. Youmans, 435

Elimination of the influence of drugs and drug abuse from public and subsidized housing requires a multifaceted approach; this article reviews several strategies, including improving security, providing treatment and constructive alternatives to drug use, and eviction campaigns.

Drugs and Public Housing: A Connecticut Case Study, by Diana A. Johnston, 448

Public housing tenants and the Greenwich Housing Authority have developed an effective, communitywide strategy to deal with drug selling on public housing property.

Federal Housing Law Developments, by the National Housing Law Project, 1028

Major developments in housing law in the past year include the elimination of the grievance procedure for public housing tenants in more than 30 states, initiation of the Public Housing Asset Forfeiture Project, and continued battles to save public housing units from demolition or disposition.

Improving and Expanding Housing Opportunities for Poor People and People of Color: Recent Developments in Federal and State Courts, by Florence Wagman Roisman and Phillip Tegeler, 312

Residential segregation exacerbates segregation and discrimination in education, employment, health care, transportation, and every other aspect of modern life. The central thesis of this special, two-part article is that racial integration can and should be achieved without disadvantaging minorities. Indeed, attacks on segregation and discrimination can be used to improve and expand housing opportunities for poor people of color. Part I reviews race-based federal claims and recent developments in federal law; part II examines state court precedents, their relation to the federal cases, and their potential for creating new, integrated housing opportunities for low-income minority persons.

Justice Department Seeks Help from Legal Services in Fighting Housing Discrimination, by Paul F. Hancock, 104

The chief of the Housing and Civil Enforcement Section, Civil Rights Division, Department of Justice, outlines the Section's enforcement plans pursuant to the Fair Housing Amendments Act of 1988 and asks for cooperation from legal services programs.

The New FmHA Appeals Process and National Appeals Staff, by Mike Miskowiec, 671

This article reviews the appeals procedure used in reviewing adverse decisions by FmHA servicing officials.

Using Bankruptcy to Thwart PHA Evictions, by Charles G. Spradling, 818

Until recently, legal services attorneys have successfully used bankruptcy as a last-resort means of halting eviction of PHA tenants for nonpayment of rent; in *In re Howard*, however, a bankruptcy judge in Mobile lifted the automatic stay and allowed a PHA to proceed with an unlawful detainer action in state court.

IMMIGRATION

Developments in Employment Rights Under Immigration Law, by the National Immigration Law Center, 1100

Recent changes in the law have broadened antidiscrimination provisions contained in the Immigration Reform and Control Act; this article reviews the basic requirements and discusses new developments in the areas of employment verification, employer sanctions, work authorization, and procedures for pursuing claims of discrimination.

JUVENILES

Effects of Crack and Cocaine on Infants: A Brief Review of the Literature, by Janet R. Fink, 460

Research on the harmful effects of crack and cocaine upon children is still in its infancy; this article reviews what is known about the chemical process of exposure, symptoms and risks of crack exposure, and perinatal treatment of drug-exposed children.

Prenatal Drug Exposure and Pediatric AIDS: New Issues for Children's Attorneys, by Abigail English, 452

In order to provide effective representation for children who may have been born exposed to drugs or infected with HIV, attorneys and advocates must become familiar with the basic epidemiologic and demographic data on these conditions and learn what is known about the specific service needs of these children.

Representing Parents: Effective Advocacy Can Make a Difference, by Douglas J. Besharov, 467

See DOMESTIC RELATIONS for article summary.

Youth Law Developments, by the National Center for Youth Law, 1017

In the past year, courts grappled with parents' rights to effective counsel in termination proceedings, child protection agencies' duty to provide services to prevent foster care placement, and state intervention when a newborn tests positive for drugs that the mother used during pregnancy.

MENTAL HEALTH

Developments in Mental Disability Law—1990, by the Mental Health Law Project, 959

Last year, federal courts issued decisions with mixed outcomes for institutionalized people, including two Supreme Court opinions on due process protections and a landmark district court opinion giving access to advocates.

Late-Breaking Legislative Developments Affecting People with Mental Disabilities, by Joseph Manes, Mental Health Law Project, 1114

Until a flurry of late, preelection activity, it was unclear whether people with mental disabilities would get anything out of the second session of the 101st Congress beyond the landmark Americans with Disabilities Act. At the last minute, however, a surprising amount of positive legislation passed. Provisions

helping people with disabilities were included in the National Affordable Housing Act, the Education of the Handicapped Act Amendments, the Stewart B. McKinney Homeless Assistance Amendments Act, and the monumental Omnibus Budget Reconciliation Act of 1990.

Recent Revisions to Nursing Home Requirements Will Protect Older People with Mental Disabilities, by Beth Pepper, 1274
This article discusses nine provisions of the preadmission screening and annual resident review process (PASARR) that were revised by OBRA-90.

MIGRANTS

Farmworker Law Developments in 1990, by the Migrant Legal Action Program, 1086
Migrant farmworkers continue to face toxic pesticides, subminimum wages, squalid housing, unscrupulous recruitment practices, and unspeakable employment conditions; this article describes developments in legislation and litigation.

NATIVE AMERICANS

1990 Decisions of the United States Supreme Court: Erosion of Native Tribal and Religious Rights, by Steve Moore and Jerilyn DeCoteau, 991
This article reviews the Supreme Court's decisions in *Duro v. Reina* and *Employment Division, Department of Human Resources of Oregon v. Smith,* which signal yet another conservative turn by the Court in matters involving fundamental rights.

PRISONS

Prison Law Developments: Alternatives to Incarceration, by Ruthanne DeWolfe, 1042
In response to the continuing explosion of our nation's prison and jail population and its attendant costs, correctional authorities, legislative bodies, and criminal justice experts are suggesting and implementing alternatives to incarceration.

The First Year of Operating a Prisoners' Legal Services Program: Part I, by Robert C. Hauhart, 106
Part one of a two-part article describes the first year of operation of the Prisoners' Rights Program of the District of Columbia Public Defender Service.

The First Year of Operating a Prisoners' Legal Services Program: Part II, by Robert C. Hauhart, 219
This article, the second of two parts, describes the first year of operation of the Prisoners' Rights Program of the District of Columbia Public Defender Service, including the types and numbers of requests for assistance, practical problems encountered early on, and the results of an ongoing audit of the program's caseload.

PUBLIC UTILITIES/ENERGY

Center Releases Report on the Impact of Energy Costs on the Poor, by Chuck Hill, National Consumer Law Center, 234
This recently completed study offers a state-by-state analysis of energy costs confronting low-income households in relation to the average income of those households.

Challenges to the Focus on the Crisis Component of the Energy Assistance Program, by Chuck Hill, National Consumer Law Center, 233
In recent years, relatively little litigation has arisen with respect to state administration of the Low-Income Home Energy Assistance Program.

Consumer and Energy Law Developments During 1990, by the National Consumer Law Center, 937
See CONSUMER for article summary.

Study Finds Unmet Need for Utility Service Advocacy, by the National Consumer Law Center, 679
This article discusses the problem of utility shutoffs to low-income households and summarizes the individual items contained in a series of legal memoranda that examines customer service issues related to telephone and energy utilities, which is available from the National Consumer Law Center.

SENIOR CITIZENS

Changes in OBRA-90 Affecting Medicaid Eligibility and Services for the Elderly and Disabled, by Patricia Nemore, National Senior Citizens Law Center, 1362
See HEALTH for article summary.

Delivery of Legal Services to the Elderly: A Look into the Future, by Wayne Moore, 575
This article suggests that free legal hotlines for senior citizens may be the delivery system of the future.

The Effects of the *Cruzan* Case on the Rights of Elderly Clients, by Vicki Gottlich, 663
The issues addressed by the Supreme Court in *Cruzan v. Director, Missouri Department of Health* arise often and are of real concern to elderly clients of legal services programs; this article discusses the right to refuse life-sustaining treatment after *Cruzan*.

The Law of Elderly Poor People in 1990, by the National Senior Citizens Law Center, 1004
Key areas of interest in elder law in 1990 were expansion of Medicare's Secondary Payor Program, clarification of the right to extended hospital care, implementation of the Medicaid portions of the Medicare Catastrophic Coverage Act of 1988, and implementation of nursing home reform.

Nursing Home Admission Contracts: Undermining Rights the Old-Fashioned Way, by Charles P. Sabatino, 553
The most common problems with nursing home admission contracts include poor form and readability, unclear references to services and costs, problems with financial responsibility, liability waivers for personal injury or property damage, restrictions on personal rights and freedoms, and problems with transfer and discharge rights.

Recent Revisions to Nursing Home Requirements Will Protect Older People with Mental Disabilities, by Beth Pepper, 1274
See MENTAL HEALTH for article summary.

Trends in Guardianship Reform: Roles and Responsibilities of Legal Advocates, by Lu-in Wang, Anne M. Burns, Penelope A. Hommel, 561
Recent recognition of deficiencies in the traditional approach to guardianship has led to significant legislative efforts to reform the guardianship process.

Two Late-Term Sleepers from the Supreme Court Pose Questions for Advocates, by Gill Deford, National Senior Citizens Law Center, 705

This article discusses two end-of-term Supreme Court decisions, *Finkelstein v. Sullivan* and *Office of Personnel Management v. Richmond*, that may cause problems for legal services advocates.

SOCIAL SECURITY/SSI

Congress Eliminates Discrimination Against Adopted Children in the Social Security Program, by Alice Bussiere, National Center for Youth Law, 119

As part of OBRA-89, Congress has removed the restriction on the provision of child's insurance benefits to children adopted after wage earners become eligible for Social Security benefits.

OBRA-90 Changes in Social Security and SSI Will Benefit Applicants and Beneficiaries, by Eileen P. Sweeney, 1266

This article focuses on OBRA-90 changes in social security and SSI that are of the greatest interest to elderly or disabled and low-income beneficiaries.

Proposed Solutions to Social Security Representative Payee Problems, by Lori A. Stiegel, 570

This article provides an overview of the Representative Payee Abuse Prevention Act of 1989 and the Social Security Representative Payee Act of 1989.

Supreme Court's *Zebley* Decision Will Greatly Expand Eligibility for SSI Childhood Disability Benefits and Medicaid, by Richard Weishaupt and Jonathan Stein, 229

The Supreme Court's recent decision in *Sullivan v. Zebley*, finding SSA's refusal to consider the functional limitations of children when assessing their eligibility for SSI, will affect hundreds of thousands of applicants.

Two Late-Term Sleepers from the Supreme Court Pose Questions for Advocates, by Gill Deford, National Senior Citizens Law Center, 705

See SENIOR CITIZENS for article summary.

Update on Important Social Security and SSI Provisions of OBRA-89, by Eileen P. Sweeney, 532

The Omnibus Budget Reconciliation Act of 1989 includes many provisions that directly benefit social security and SSI applicants and beneficiaries, as well as some that will facilitate client representation before SSA.

UNEMPLOYMENT COMPENSATION

Unemployment Insurance and Drug Testing: A Survey and Analysis of the Developing Law, by Richard W. McHugh and Robert A. Seltzer, 811

The discharge of employees who test positive for drug use and the refusal of employees or applicants to submit to tests have resulted in a large number of unemployment insurance cases.

VETERANS/MILITARY

Agent Orange Payment Program Update, by the National Veterans Legal Services Project, 690

This article discusses significant events that occurred during 1990 affecting the Agent Orange Veteran Payment Program and payment recipients.

Court of Veterans Appeals Issues First Major Decision, by the National Veterans Legal Services Project, 236

The U.S. Court of Veterans Appeals' decision in *Erspamer v. Derwinski* gives veterans' advocates a way to force the VA to take action in adjudicating claims.

VA Conceals Critical Pension Rules in Unpublished General Counsel Memoranda, by the National Veterans Legal Services Project, 687

This article discusses an unpublished VA General Counsel memorandum that details a method for obtaining increased pension benefits, and explores other issues dealing with the calculation of income for improved pension purposes.

VA Issues Interim Guidelines on Debt Collection Waiver, by the National Veterans Legal Services Project, 829

Under the Veterans' Benefits Amendments, the statutory standard for waiver of debt collection was eased.

Veterans' Law Developments, by the National Veterans Legal Services Project, 914

In 1990, the U.S. Court of Veterans Appeals became fully operational, the VA continued to reformulate its rules for disability compensation based on Agent Orange Exposure, the Board of Veterans Appeals rules of practice were amended, and the VA implemented a new, more liberal statutory standard for waiver of debt collection.

WELFARE

AFDC Eligibility of Caretaker Relatives Who Care for Children Receiving SSI, by the Center on Social Welfare Policy and Law, 685

Under current AFDC rules binding on all states, parents and other relatives may be eligible for AFDC and Medicaid when they are caring for children receiving SSI, even when there are no other children in the house. This article discusses the federal requirements and the determination of AFDC eligibility in such cases, and summarizes the payment standards for one-person units.

Welfare Law Developments, by the Center on Social Welfare Policy and Law, 1074

Last year, some of the key changes made by the Family Support Act of 1988 took effect and a new AFDC Quality Control program started; meanwhile, two state courts held that state law requires AFDC agencies to establish realistic need standards.

FEDERAL REGISTER HIGHLIGHTS

TOPICAL INDEX

Clearinghouse Review
Annual Index

ATTORNEYS/LEGAL SERVICES

Income Levels for Legal Assistance Eligibility, 166

CIVIL PROCEDURE/ ADMINISTRATIVE LAW

EEOC's Enforcement of Subpoenas, 280

CIVIL RIGHTS

Delegation of Civil Rights Compliance Responsibilities, 1206
Nondiscrimination on the Basis of Age, 635

CONSUMER

Commentary on the Fair Credit Reporting Act, 280
Credit Transactions with the Elderly, 635
Funeral Trade Practices, 635
Home Mortgage Disclosure, 761
Official Staff Commentary to Regulation Z, 1407
Regulation Z, 883
Truth in Lending, 1407
Truth in Lending Preemption, 761
Update to Official Staff Commentary on Truth in Lending Regulation, 166

DOMESTIC RELATIONS

Standards for Child Support Enforcement Program Operations, 635

ECONOMIC DEVELOPMENT

Community Development Block Grant Program, 761
Economic Development Assistance, 1317
Loans to State and Local Development Companies, 635
Overall Economic Development Program, 1407
Physical Disaster and Economic Injury Loans, 635
SBA's Semiannual Agenda of Regulations Under Review, 280

EDUCATION

Adult Education for the Homeless, 166
Assistance for Local Educational Agencies, 1317
Availability of Data Acquisition Activities Approved Prior to February 15, 1990, 69
Chapter 1 Migrant Education Program, 69
Direct Grant Programs and Fellowship Programs, 883
Directory of Designated Low-Income Schools, 1317
Drug-Free Schools and Campuses, 761
Drug-Free Schools and Communities, 1317
Educational Partnership Program, 280
Electronic Submission of Data, 1407
Emergency Immigrant Education Program, 1407
Family Contribution Schedules for Pell Grants, 636
Federal, State, and Local Partnership for Educational Improvement, 280
Guaranteed Student Loan and PLUS Programs, 761
Head Start Program, 636
Minority Science Improvement Program, 761
Misuse of Student Loan Funds, 761
National Workplace Literacy Program Grants, 280
Nondiscrimination in Federally Assisted Programs, 635
Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds, 636
Payments Made Under the Impact Aid Act, 280
Pell Grant Program, 166, 636, 1407
Proprietary Vocational and Home Study Schools, 1317
Retraining for Dislocated Workers, 1317
Secondary Schools Basic Skills Demonstration Assistance Program, 280
Special Education, 1317
Special Initiative on Drug Program Evaluations, 69
Student Loans, 1206
Technical Amendments, 1317
Training Opportunities in the Health Profession for Persons in Low-Income Families, 166
Upward Bound Program, 761

EMPLOYMENT

Computer Matching Program Between DOL and SSA, 636
Dictionary of Occupational Titles, 636, 1206
EEOC Semiannual Regulatory Agenda, 281
Extension of the Targeted Jobs Tax Credit Program, 281
FDIC's Outreach Program for Minorities and Women, 166
Governmentwide Requirements for Drug-Free Workplaces, 636
Job Training Partnership Act, 762, 883, 1206, 1317, 1318
Lower Living Standard Income Level, 280
Mine Safety, 636
Minimum Wage for Learners, 1206
National Advisory Commission on Work-Based Learning, 1318
Non-EEOC Waivers Under the Age Discrimination in Employment Act, 636
Prevention of Leading Work-Related Diseases and Injuries, 281
Revision of the Job Corps Program Regulations, 166
Targeted Jobs Tax Credit Program, 69

ENVIRONMENTAL LAW

Community Right-to-Know Reporting Law, 636
Financial Assistance for Management of Asbestos Abatement, 636
List of Hazardous Substances, 1206
National Primary Drinking Water Regulations, 69
National Priorities List for Uncontrolled Hazardous Waste Sites, 69
Quarterly Notice of Health Assessments to Be Conducted, 883
Toxicological Profiles, 1318
Water Quality in Rural Areas, 762

FOOD PROGRAMS

Administration/Management, 69
Child and Adult Care Food Program, 637
Civil Money Penalties for Trafficking, 762
Electronic Benefit Transfer, 1318
Eligibility for Free and Reduced-Price Meals and Milk in Schools, 281
Emergency Food Assistance Program, 166, 1407
Employment and Training Requirements, 762
Food Distribution Program—Value of Donated Foods, 637
Food Stamp Program Correction, 637
Income Eligibility Guidelines for the Child Nutrition Program, 281
National School Lunch Program, 1206
National School Lunch, Special Milk, and School Breakfast Programs, 637
Quality Control in the Food Stamp Program, 1318
School Breakfast Outreach Program, 281
Special Supplemental Food Program for Women, Infants, and Children Income Guidelines, 637
Summer Food Service Program, 281, 1318, 1407
USDA's Agenda of Regulation Development, 281
WIC Program, 1318

FREEDOM OF INFORMATION

Medicaid and Medicare Programs, 1318
New Regulations, 281
Revision of FOIA's Fee Schedule and Fee Waiver Policy, 281

GOVERNMENT AND GOVERNMENTAL SERVICES

Budget Rescissions and Deferrals, 1206, 1407
Cumulative Report on Budget Rescissions and Deferrals, 637, 883, 1318, 1407
Cumulative Rescissions and Deferrals, 637
Final OMB Sequester Report, 1207
Initial Sequestration Report for FY 1991, 762
Unified Agenda of Federal Regulations, 1207

HANDICAPPED PERSONS

Amateur Radio Service Rules, 1408
Americans with Disabilities Act, 1207
Centers for Independent Living, 883
Chapter 1 Programs for Handicapped Children, 762
Disability and Rehabilitation Research Final Funding Priority, 637
Discrimination Against Handicapped Persons in Air Travel, 637
Early Intervention with Handicapped Children, 637
Enforcement of Nondiscrimination on the Basis of Handicap, 69
Fair Housing Accessibility Guidelines, 638, 883
Final Funding Priorities for Certain New Direct Grant Awards, 1407
FY 1991 Federal Allotments for State Developmental Disabilities Basic Support Programs, 166
Nondiscrimination, 1207, 1319
Nondiscrimination in Air Travel, 167
Nondiscrimination on the Basis of Handicap, 638, 883
Projects with Industry, 1207
Rehabilitation Services, 637
Research in Education of the Handicapped, 638
Revised FY 1991 Federal Allotments to States, 1407
Special Education and Rehabilitative Services, 167, 638
Technology, Educational Media, and Materials for the Handicapped Program, 637, 638
Technology-Related Assistance, 762
Training Personnel for the Education of the Handicapped, 638
Transportation for Persons with Disabilities, 1207
Travel Aid for Persons with Disabilities, 167
Vocational Rehabilitation Training, 884

HEALTH

Administration of the Medicaid Program, 1319
Alien Eligibility for Medicaid, 884
Annual Update of the Poverty Income Guidelines, 70
Automatic Transfer of Claims Information from Medicare Carriers to Medigap Insurers, 1319
Availability of Funds for Family Planning Service Grants, 638
Computer Matching Program, 884, 1207
Cooperative Agreements for Area Health Education Center Programs, 1319
Delegation of Authority, 884, 1207
Drug Abuse Campus Treatment, 762
Drug and Alcohol Abuse Prevention, 1319
Drug Use and Alcohol Abuse Prevention Demonstration Grants, 168
Final Review Criteria for Allied Health Project Grants, 167
FY 1990 Estimated National Average Monthly Payments, 70
Grants for AIDS Regional Education and Training Centers Program, 70
HCFA's Participation in IRS's Computer Matching Program, 167
HIV Prevention, 884

HIV Subacute Care Demonstration Projects, 167
Hospice Care, 1319
Inpatient Hospital Prospective Payment System, 282, 884
Interdisciplinary Training for Health Care in Rural Areas, 639
Maternal and Child Health Services, 69
Medicaid Eligibility, 763, 1319
Medicaid Health Insuring Organizations, 1319
Medicaid Management Information Systems, 884
Medical Care Health Manpower Shortage Areas, 639
Medicare Coverage for Mammography, 1320
Medicare Deductibles and Coinsurance Amounts, 1207
Medicare Economic Index, 1408
Medicare Geographical Classification Review Board, 884
Medicare Hospital and Skilled Nursing Facility Programs, 638
Medicare Inpatient Hospital Prospective Payment System, 1208
Medicare Part A Premium, 1207
Medicare Payment for Outpatient Eye Surgery, 762
Medicare Payment to Federally Funded Health Facilities, 1408
Medicare Payment to Hospitals, 1408
Medicare Physician Performance Standard Rates of Increase, 1320
Medicare Prospective Payment Rates, 1207
Medicare Prospective Payment System, 1408
Medicare Secondary Payer Provisions, 1408
Medicare's Secondary Payer Appeals Procedures Revised, 167
Model Projects for Substance Abuse Prevention, 639
Monthly Supplementary Medical Insurance Premium, 281
Moratorium State Plan Amendments, 763
New System of Records, 884
Pesticide Information Network, 167
Physician Involvement in Physical Therapy and Speech Pathology Services, 167
Physician Liability on Nonassigned Claims, 639
Public Health Conferences, 763
Quarterly Listing of HCFA's Program Issuances and Coverage Determinations, 167
Quarterly Listing of Program Issuances, 167, 639
Revision of Ambulatory Surgical Center Payment Rate Methodology, 70
Runaway and Homeless Youth Program, 70
Social Services Block Grant, 70
Study of Hospital Performance Under Medicare's Prospective Payment System, 638
Substance Abuse Prevention, 762
Support Grant Program for HIV Prevention, 70
Updated HMO Qualification Determinations, 70
Waiver of HMO Memberships and State Disenrollment Option, 638
Withdrawal of Catastrophic Outpatient Drug Benefit Proposed Rules, 168
Withdrawal of Medicare Coverage of Thermography, 1207

HOUSING

Actions to Reduce Losses in FHA Insurance Programs, 282
Affordable Housing Disposition Program, 763
Affordable Housing Program, 282
Agent Orange Payments Excluded from Income for Certain Housing Programs, 282
Availability of Section 202 Loans for Housing for the Elderly, 168
Change in Interest Rates for Mortgage Insurance, 169
Changes to Rental Rehabilitation Program, 282
Community Development Block Grants, 641
Comprehensive Improvement Assistance Program, 763
Computer Matching Program, 885
Congregate Housing, 640
Construction Contract Award Requirements, 640
Demolition and Reconstruction of Public Housing, 763
Disclosure and Verification of Social Security Numbers by Applicants and Participants in HUD Programs, 168
Drug-Related or Violent Crime, 640
Emergency Services and Shelter AFDC Transitional Housing Demonstration Project, 168
Exclusion of Census Taker Income for PHA Eligibility Purposes, 168
Extension of Fund Reservations on Section 202 Housing for Elderly or Handicapped, 168
Fair Housing, 1409
Fair Housing Complaint Processing, 1320
Fair Housing Initiatives Program, 1320
Fair Market Rents, 885
Farmer Program Loan Provisions of the Disaster Assistance Act of 1989, 71
Federally Mandated Exclusions from Income, 641
FHA Single-Family Mortgage Limits, 1208
FmHA Housing, 1320
Fund Availability for Permanent Housing for Handicapped Homeless Persons, 168
Funding for Single Room Occupancy Dwellings, 1208
Grantees of HUD's Public Housing Drug Elimination Program, 169
Home Mortgage Disclosure Act, 640
HUD Mortgage Insurance, 639
HUD's Interim Guidelines on Lead-Based Paint, 282
HUD's Semiannual Agenda, 282
Lead-Based Paint Abatement, 885
Matching Tenant Data in Assisted Housing Programs, 70
Mortgage Insurance, 885
Mortgages and Loans for Direct Endorsement Program, 640
Multifamily Coinsurance Program, 1208
Nehemiah Housing Opportunity Grants, 1208
Predetermined Amortization Schedule System Account Servicing, 70
Prepayment of HUD-Insured Mortgages, 885
Public Housing Drug Elimination Program, 639, 640
Public Housing Resident Management Program, 763
Public Housing Resident Management Program Technical Assistance, 71
Redelegation of Authority, 639
Refinancing of FHA-Insured Adjustable Rate Mortgages, 885
Rental Rehabilitation Grants, 282
Rental Rehabilitation Program, 885
Rural Cooperative Housing Loans, 1408
Rural Housing, 1408
Rural Housing Preservation, 1320
Rural Rental Housing, 885
Rural Rental Housing Displacement Prevention, 70
Rural Rental Housing Loan Policies, Procedures, and Authorizations, 70
Rural, Congregate Housing, 641
Sale of Inventory Property, 70
Section 202 Housing, 1408
Section 312 Rehabilitation Loans, 641
Section 515, 1320, 14091409
Section 8 Certificate Program, 282, 640
Section 8 Fair Market Rents, 1208
Section 8 Housing Amendments to All Market Areas, 640
Section 8 Moderate Rehabilitation Program Funds for Single Room Occupancy Dwellings for the Homeless, 282
Section 8 Set-Aside for Homeless Families, 640
Selection Criteria to Receive Technical Assistance, 639
Single-Family Mortgage Insurance Programs, 763
Single-Family Property Disposition, 1320
Single-Family Property Disposition Homeless Initiative, 70
Supplemental Assistance for Facilities to Assist the Homeless, 640
Supportive and Transitional Housing, 1320
Supportive Housing Demonstration, 71
Supportive Housing Demonstration and SAFAH Programs, 763
Surplus Federal Property/Unused HUD Property, 70, 168, 282, 639, 763, 885, 1208, 1320, 1409
Surplus Federal Real Property, 763
Transitional Housing Program, 1409
Use of Section 8 Monies for New Construction Housing, 169

IMMIGRATION

Adjustment of Status, 1409
Appeals, Precedents, Certifications, and Motions Before the INS, 641
Applicant Processing for the Legalization Program, 641
Asylum and Withholding of Deportation Procedures, 641
Computer Matching and Privacy Protection Act of 1988, 71
Discontinued Use of INS Form G-641, 169
Fee Review, 641
Income Taxes, 1320
Labor Certification Process for the Temporary Employment of Aliens in Agriculture, 283
Law Student Representation, 1320
Nonimmigrant Alien Workers, 71
Refugee Resettlement Program, 763
Registration and Fingerprinting of Certain Nonimmigrants, 1409
Shortage Number Determination for Special Agricultural Workers, 1208
Special Agricultural Workers, 1320
Status Adjustment for Certain H-1 Nonimmigrant Nurses, 169
Temporary Disqualification from HUD Assistance of Aliens Granted Temporary/Permanent Resident Status, 282

JUVENILES

Boot Camps for Juvenile Justice Offenders, 885
Child Abuse and Neglect, 641
Child Welfare State Grants, 1409
Data Collection for Foster Care and Adoption, 885
Establishment of the High Risk Youth Review Committee, 169
Missing Children's Assistance Act Program Priorities, 169
Runaway and Homeless Youth, 1409

MIGRANTS

Education, 1321
Labor Certification Process for Temporary Employment of Aliens in Agriculture, 641
Labor Certification Process, 642
Migrant Education Program, 642

NATIVE AMERICANS

Availability of Financial Assistance, 1321
Consultation Hearings on Indian Education Issues, 283
Debt Settlement, 642
Employment and Training Programs, 764
Energy-Related Careers, 886
Establishment of Indian Nations at Risk Task Force, 71
Government Participation in Settlement of Indian Water Rights Claims, 169
Indian Business Development Program, 886
Indian Health Services, 71
Indian Housing, 642
Indian Probate Proceedings, 1208
Job Training Partnership Act, 642, 764
Library Services to Indian Tribes and Hawaiian Natives, 642
Migratory Bird Hunting, 764
Minority Small Business and Capital Ownership Development Program, 764

Public Housing, 1409
Rejected Statute of Limitations Claims, 1321
Social and Economic Development Projects, 764
Special Tribal Court Funds, 1409
Umpqua Tribe, 1409

PRISONS

Accident Compensation for Inmates, 169
Adult Basic Education, 642
Central Inmate Monitoring, 886
Education Tests, 71
Forfeiture of Time Under Parole Supervision, 1208
Grooming, 1208
HIV Infection, 1321
Hostage Situations, 886
Inmate Legal Activities, 642
List of Federal Institutions, 1321
Modification to List of Bureau of Prisons Institutions, 642
Paroling, Recommitting, and Supervising Federal Prisoners, 886
Sentencing Guidelines, 1209

PUBLIC UTILITIES/ENERGY

January 1, 1990, Milestone for Governors' Certifications, 71
Low-Income Weatherization, 1209

RURAL ISSUES

Amendment of FmHA's Insured Loan Servicing Regulations, 642
Disaster Relief Areas, 169
Eligibility and Scope of Financing, 642
Farm Credit Administration, 1409
Farm Credit Administration's Unified Agenda of Regulations, 283
Farmer Program Loans, 1209
Federal Assistance for Rural Hospitals, 283
FmHA Administrative Offset, 643
FmHA Individual Credit Reports, 643
FmHA's Amendment of the Administrative Offset Regulation, 169
Intermediary Relending Program, 886
Internal Revenue Offset, 886
Loan Guarantee Procedures for Rural Businesses, 283
Processing and Servicing FmHA Assistance to Employees, Relatives, and Associates, 643
Processing of Loan Assumptions, 1409
Receipt and Processing of FmHA Loan Applications, 642
Redelegation of Authority, 1321
SBA Loans to State and Rural Local Development Companies, 169
Self-Help Technical Assistance Grants, 1209
Servicing and Liquidation of Chattel Security, 886
Small Business Administration Loans, 764

SENIOR CITIZENS

Commodity Supplemental Food Program Income Guidelines, 643
New Drug Applications, 71
Revised Income Eligibility Levels for Foster Grandparent and Senior Companion Programs, 169

SOCIAL SECURITY/SSI

Acquiescence Ruling, 643
Adult Mental Disorders Listings, 764
Annual Earnings Test, 886
Continued Benefits Pending Appeal, 764
Cost-of-Living Increases, 1209
Countable Income for SSI Purposes, 1409
Dependent's Portion of Veterans Benefit, 644
Determining Attorney Fees in Administrative Proceedings, 1209
Disability Based on Down Syndrome and Other Hereditary Disorders, 1321
Disability Determinations Under the OASDI and SSI Programs, 170
Effect of OASDI on Pensions from Noncovered Employment, 643
Elimination of Carryover Reduction in OASDI, 1321
Entitlement as a Surviving Divorced Spouse After Remarriage, 643
Evaluation of Pain and Other Symptoms, 764
Exclusion from Resources of Funds Set Aside for Burial and Burial Spaces, 643
Exclusion of Certain Housing Assistance Payments, 643
Federal OASDI Benefits, 643
Foster Grandparent Program, 1321
Mental Disorders in Children, 1321
Musculoskeletal Listings, 1321
Notice of Acquiescence Rulings, 886
Recognition of Common-Law Marriage, 1210
Recovery of Overpayments and Other Technical Changes, 71
Rental Subsidy as In-Kind Income for SSI Purposes, 644
Rescission of Acquiescence Ruling 87-5(3), 644
Rescission of Social Security Ruling, 1321
Restriction Against Payment of Benefits to Conservator, 1210
Social Security Acquiescence Rulings, 643
Social Security Coverage, 1321
Social Security Number Cards, 1209
Social Security Numbers for Newborn Children, 71
SSI for the Aged, Blind, and Disabled, 71
SSI Overpayments, 764
Statutory Blindness, 1209
Treatment of Real Property in Determining SSI Eligibility, 170
Unearned Income, 1210
Updated List of New or Improved Diagnostic Techniques for Determining Impairment Severity, 283
Vocational Expert for Past Relevant Work Determination, 644
Withdrawal of Regulation Regarding Four-Year Limit for Reopening Decisions, 170

UNEMPLOYMENT COMPENSATION

Availability of Benefits Quality Control Annual Report Results, 644
Remuneration for Ex-Servicemembers, 1410
Trade Adjustment Assistance, 1322

VETERANS/MILITARY

Accreditation of Veterans' Representatives, 887
Agenda of Federal Regulations, 283
Amendment of Adjudication Regulations, 283
Appeals Regulations and Rule of Practice, 284
Basic Education Eligibility Determinations, 644
Burial Benefits, 1322
Claims Based on Service in Vietnam, 1211
Computer Matching Program, 887
Concurrent Benefits, 1410
Confidentiality of Tort Claim Peer Review, 283
Contract Medical Care, 1211
Cost-of-Living Adjustments and Headstone Allowance, 1322
Definition of Marginal Employment, 645
Determination of Service Connection for Impaired Hearing, 170
Disabling Effects of Chronic Alcoholism, 283, 1210
Due Process Appeals Regulations and Rules of Practice, 644
Expanded Eligibility for Outpatient/Ambulatory Health Care for Veterans with Service-Connected Injuries, 284
Extension of Time Limits for Vocational Rehabilitation Claims, 170
Extension of Vocational Programs for Seriously Disabled Veterans, 284
Failure to Report for VA Examination, 1322
General Counsel Legal Interpretations, 644
Guaranteed Home Loans, 887
Increase in Maximum Permissible Interest Rates, 72
Independent Living Services, 1322
Interest Rates, 1322
Legal Interpretations, 1210, 1410
Loan Guaranty Program, 1210
Loan Guaranty Regulations, 644
Loan Origination Records, 765
Medical Benefits, 1410
Medical Care Reimbursement Rates, 1322
Medical Care Reimbursement Rates for FY 1990, 644
New and Material Evidence, 1322
Nondiscrimination Against Persons Infected with HIV, 887
Organization of the VA, 1410
Percentage to Determine Net Value, 72
Poverty Threshold, 1410
Preforeclosure Waiver or Compromise of Debts, 645
Programs of Employment Services and Independent Living, 1211
Revised Schedule of Remuneration for the Unemployment Compensation for Ex-Servicemembers (UCX) Program, 72
Summary of Legal Interpretation of the General Counsel, 72
Suspension of Manufactured Home Dealers, 1322
Three Legal Interpretations, 645
Training and Rehabilitation Services, 644
Training Outside of the United States, 645
VA Assistance in Developing Claims, 1322
Veterans' Benefits Improvement and Health Care Authorization Act of 1986, 645
Veterans Education, 645, 1322
Veterans' Education Benefits, 284
Veterans Education Outreach Program, 72, 1410
Veterans' Educational Assistance, 645
Vocational Rehabilitation, 1322

WELFARE

AFDC Program Changes, 284
Automatic Data Processing, 1410
Computer Matching Program, 887
Data Collection for Adoption and Foster Care, 284
Federal Financial Participation, 1323
HHS Publishes Unified Agenda of Regulations, 284
JOBS Program, 1410
Office of Community Services' Fiscal Year 1990 Demonstration Partnership Program, 284
Preeligibility Fraud Detection Measures, 284
Title XX Allotments, 1323

CASE DEVELOPMENTS & ADVANCE SHEET HIGHLIGHTS

TOPICAL INDEX

This is a listing by topic of cases that have appeared in the Clearinghouse Review for the period covered by this index. The numbers in brackets [54,321] are the Clearinghouse Numbers and must accompany all document reprint requests. Cases without Clearinghouse numbers were reported in the Advance Sheet Highlights section of the Review.

ABORTION

National Center for Youth Law v. LSC [45,500], 357, 832

ADMINISTRATIVE LAW

Arbitrary and Capricious

Hussion v. Yeutter [41,618], 834
M. v. Medford Hous. Auth. [46,719], 374
We Who Care v. Sullivan [46,038], 742

Bias of ALJ

Grant v. Sullivan [44,741], 33, 583, 1146

Delegation of Powers

Adams Fruit Co. v. Barrett, 155
Martinez v. Department of Indus., Labor, & Human Relations [44,972], 244

Exhaustion of Remedies

Behunin v. Jefferson County Dep't of Social Servs., 1204
Buffolino v. Board of Educ. of Sachem Cent. School Dist., 159
Clifford v. Jacobs, 868
DeMara v. Michigan, 622
Gay v. Sullivan [44,288], 737
Gutierrez v. Railroad Retirement Bd., 1308
Marcus v. Sullivan [38,704], 607
Massachusetts v. Lyng [44,131], 158
Patel v. Thomas, 749
Thetford Properties IV Ltd. Partnership v. HUD [44,241], 875
United States v. Barry, 749
Wilson v. Ledbetter [44,722], 277, 632

Finality

Bartley v. L&M Coal Co., 624
Crowder v. Sullivan [44,863], 271
Daugherty v. Director of Office of Workers Compensation, 275
Johnson v. Orr, 270
Murray, *In re*, 875
Old Ben Coal Co. v. Jones, 275
Otamot, Inc., *In re* [45,530], 50, 1296

Hearings

Big Horn Coal Co. v. Office of Workers' Compensation Programs, 275
S., Timmy v. Stumbo [44,104], 1188
Stoffel v. Arizona Dep't of Economic Sec., 61

Judicial Review

Daugherty v. Director of Office of Workers Compensation, 275
Florida Dep't of Labor v. DOL, 156
Gentry v. Department of Pub. Health, 271
Hussion v. Yeutter [41,618], 834
Massachusetts v. Lyng [44,131], 158
Mozur v. Turnage, 65
Nilsson v. Borman's, Inc. [46,093], 858
Person v. Department of Social Servs., 390
Poverty Resistance Center v. Hart [40,283], 150
Saunders v. Illinois Dep't of Pub. Aid, 875
Sexton v. Canady [46,184], 1160
Yates v. North Carolina Dep't of Human Resources, 386

Nonacquiescence with Court Decision

Stieberger v. Sullivan [39,839], 54, 754
Wilkerson v. Sullivan [44,589], 855

Rulemaking Procedures

Friedrich v. Secretary of HHS, 159
Gray Panthers Advocacy Comm. v. Sullivan [40,813], 134
Hussion v. Yeutter [41,618], 834
Little v. Coler, 277
Martinez v. Department of Indus., Labor, & Human Relations [44,972], 244
Mullins v. North Dakota Dep't of Human Servs., 618
Vigil v. Rhoades [41,674], 604, 853

Notice

Crane v. Kemp [44,579], 258
Richard v. Commissioner of Income Maintenance, 617
Willey v. Ives [38,830], 592

Scope of Review

Chaplin v. Sugarman [45,466], 59

ADOPTION

See also ILLEGITIMATE CHILDREN

M. v. Johnson, 1189, 1310
Preston v. Mercieri, 619

Abandonment

Baade, Adoption of, *In re*, 1306
Eder v. West, 1396
Syck, Adoption of, *In re*, 1306

Best Interest Standard

B., Charles, Adoption of, *In re*, 387
Baade, Adoption of, *In re*, 1306
Hensman v. Parsons, 869
McCutcheon v. Charleston County Dep't of Social Servs., 1192
P., E.P., Adoption of, *In re*, 1191
R., H., *In re*, 1306
Tripp v. Juris, 620

Consent Requirements

A., D.J., *In re*, 868
Aultman v. McCracken, 1396
B., M.R.D., Parental Placement of, *In re*, 391
Biel, *In re* [46,152], 1157
Biluvas v. Biel [46,153], 1157
Congleton v. Holy Cross Placement Agency [45,577], 130, 1392
Dailey, *In re*, 272
Davis v. Thornburgh [40,509], 836
Eder v. West, 1396
Foster v. Federspiel, 1307
G. v. Doe [45,715], 363
Hensman v. Parsons, 869
Ned, *In re*, 626
O., S., *In re*, 1190
P., E.P., Adoption of, *In re*, 1191
Parsons, Adoption of, *In re*, 869
Pizano-Varela v. Gomez, 1396
S., B.G., Adoption of, *In re*, 157
S., M., Adoption of, *In re*, 871
Swayne v. L.D.S. Social Servs. [45,827], 587
Tripp v. Juris, 620
V., D.J., Adoption of, *In re*, 1190
X., *In re*, 1190

Notice Requirements

Griffith v. Johnston [44,036], 387
P., E.P., Adoption of, *In re*, 1191

Placement Procedures

Congleton v. Holy Cross Placement Agency [45,577], 130, 1392
Griffith v. Johnston [44,036], 387

Records

Access

Newsom v. Newsom, 388

Right to Counsel

Arrington v. Hand, 157
Bauer v. McClure, 157
Foster v. Federspiel, 1307
Zockert v. Fanning [46,288], 1284

Support Obligations

Arrington v. Hand, 157
Pizano-Varela v. Gomez, 1396
V., D.J., Adoption of, *In re*, 1190

Termination of Parental Rights

A., D.J., *In re*, 868
Baade, Adoption of, *In re*, 1306
Bauer v. McClure, 157
Davis v. Thornburgh [40,509], 836
Fuehrer, Adoption of, *In re*, 620
G. v. Doe [45,715], 363
Hensman v. Parsons, 869
McCutcheon v. Charleston County Dep't of Social Servs., 1192
P., E.P., Adoption of, *In re*, 1191
S., M., Adoption of, *In re*, 871
Syck, Adoption of, *In re*, 1306
V., D.J., Adoption of, *In re*, 1190
Zockert v. Fanning [46,288], 1284

Visitation Rights

Muse v. Hutchins, 748

AID TO FAMILIES WITH DEPENDENT CHILDREN

See also WELFARE

Gay v. Sullivan [44,288], 737

Absence of Parent

Doubt v. Jackson [45,862], 612
Hall v. Iowa Dep't of Human Servs., 632
Sebastian v. Commissioner of Human Servs. of Tenn. [46,249], 1184

Adopted Children

M., *In re* [45,483], 59

Advance Allowance

Rivera v. White [45,846], 611

Application Procedures

Alexander v. Flaherty [13,475], 1183
Alvarez v. Aronson [46,198], 1181
Coleman v. White [42,346], 57
Gonzalez v. Department of Health & Rehabilitative Servs. [45,584], 151
Hatten-Gonzales v. Valdez [46,043], 861
L., G. v. Zumwalt [20,937], 277
Verification Issues, *In re* [46,306], 1303
Womack v. Florida Dep't of Health & Rehabilitative Servs., 1403

Assets

Case No. 90205043, *In re* [46,257], 1302
Sidwell v. McMahon [44,763], 381
We Who Care v. Sullivan [46,026], 742

Earned Income Disregards

Wilson v. Ledbetter [44,722], 277, 632

Exemptions

Dorsey, *In re* [46,223], 1186
Gasner v. Wisconsin Dep't of Health & Social Servs. [46,074], 840

Available Income

Adams v. Griepentrog [46,148], 1182
Beaton v. Thompson [44,989], 860
Dorsey, *In re* [46,223], 1186
Mosley v. White [45,534], 57
Sallis v. McMahon [46,057], 863

Benefit Levels

Hightower v. Duffy, 65
McEwen v. Ives [46,127], 1182
Triplett, *In re* [46,272], 1303
Wilson v. Ledbetter [44,722], 277, 632

Child Living Outside Home

Davis v. Swatts, 164
Kramer v. New Mexico Human Servs. Dep't [46,201], 1184, 1302

Child Support

Behunin v. Jefferson County Dep't of Social Servs., 1204
Brown v. Ledbetter [41,201], 129
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375
Colorado *ex rel.* D.C., 1204
Crow Wing County, Minn. v. Thoe, 157
Department of Human Servs. v. Roy [46,382], 1376
Jensen v. Thompson [46,008], 742
Mushero v. Commissioner, Dep't of Human Servs. [46,037], 741
Mushero v. Ives [46,041], 741
Ohio Dep't of Human Servs. v. HHS [46,379], 1387
Pittman v. Taft [46,014], 715
Wellman v. Department of Human Servs. [45,707], 381

Assignment

Davis v. Swatts, 164
Doucette v. Ives [46,021], 741, 1148
Gagne v. Barile [44,402], 611
Jackson v. Rapps, 1189
Kelley v. Commissioner, Me. Dep't of Human Servs. [46,018], 744, 1185
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376
Routhier v. Canino-Siegrist [45,989], 744
Utah Dep't of Social Servs. v. Adams [46,357], 1389

Cooperation with Enforcement Efforts

Barnes v. McMahon [45,717], 363, 836
Tomas v. Rubin [46,219], 1181

Pass Through

Lawyer v. Valdez [46,042], 861
Mosley v. Hairston [44,151], 56, 1387
Robertson v. Concannon [43,878], 862, 1388
Schwendeman v. Ives [45,421], 382, 610
Sullivan v. Stroop [43,018], 610
Vanscoter v. Sullivan [41,726], 1402

Computation

Beaton v. Thompson [44,989], 860
Behunin v. Jefferson County Dep't of Social Servs., 1204
Herrera v. Adult & Family Servs. Div., 831
Triplett, *In re* [46,272], 1303

Cooperation Requirements

Auer v. Babcock [45,841], 269
Coleman v. White [42,346], 57
Douglas v. Babcock [45,858], 267, 1300
Kronquist v. Goodrich [45,344], 612, 1388
Tomas v. Rubin [46,219], 1181
Verification Issues, *In re* [46,308], 1303

Countable Income

Jefferson, *In re* [45,733], 384
Sallis v. McMahon [46,057], 863
Wilson v. Ledbetter [44,722], 277, 632

Delayed Payments

Gatcomb v. Commissioner, Me. Dep't of Human Servs. [45,834], 614
Hatten-Gonzales v. Valdez [46,043], 861
Mosley v. White [45,534], 57
St. Amand v. Commissioner, Me. Dep't of Human Servs. [44,974], 614

Deprivation of Parental Support

Biggs v. North Carolina Dep't of Human Resources [46,360], 1389
Doubt v. Jackson [45,862], 612
Hall v. Iowa Dep't of Human Servs., 632

Due Process

Davis v. Department of Human Servs. [45,894], 743
Johnson v. MacMahon [45,845], 613
Owings v. Economic & Medical Servs., 756
Rivera v. White [45,846], 611
Robertson v. Concannon [43,878], 862, 1388
See Moua v. Goodrich [45,219], 1184
Withey v. Perales [41,763], 382, 860, 1402

Earned Income Disregards

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834
Jefferson, *In re* [45,733], 384
Sallis v. McMahon [46,057], 863
Smith v. Babcock [44,871], 1182
Triplett, *In re* [46,272], 1303

Educational Allowance

Hartley, *In re* [45,837], 615

Eligibility

Chase v. Ives [45,240], 269
Conerly, *In re* [46,101], 864
Davis v. Department of Human Servs. [45,894], 743
McKenney v. Sullivan [45,227], 611
Moccio v. Department of Human Resources, Adult & Family Servs. Div., 1204
Monte v. New Mexico Dep't of Human Servs. [45,409], 745
Routhier v. Canino-Siegrist [45,989], 744
Sallis v. McMahon [46,057], 863
Shaw v. McMahon [39,886], 268
Sidwell v. McMahon [44,763], 381
Taylor v. Office of Secretary of La. Dep't of Health & Human Resources [45,958], 613, 1302
Thornton v. Department of Pub. Welfare, 394
Vance v. Sullivan [45,528], 57, 150, 1184, 1281
Verification Issues, *In re* [46,308], 1303
Womack v. Florida Dep't of Health & Rehabilitative Servs., 1403

Emergency Assistance

Coker v. Sullivan, 632
Hammond v. MacMahon, 613
Lindstrom, *In re* [46,029], 745
Savage v. Aronson [44,743], 393
Wayne Township of Allen County v. Hunnicutt, 164

Employability Definition

Taylor v. Office of Secretary of La. Dep't of Health & Human Resources [45,958], 613, 1302

Equal Protection

Doubt v. Jackson [45,862], 612
Johnson v. MacMahon [45,845], 613
McMullen v. Perales [44,356], 267
Moccio v. Department of Human Resources, Adult & Family Servs. Div., 1204
Mosley v. White [45,534], 57
Withey v. Perales [41,763], 382, 860, 1402

Essential Persons

McKenney v. Sullivan [45,227], 611
Michigan Dep't of Social Servs. v. Sullivan [46,086], 861
New York State Dep't of Social Servs. v. Sullivan [45,842], 268
Vance v. Sullivan [45,528], 57, 150, 1184, 1281

Family Budget Unit

Adams v. Griepentrog [46,148], 1182
Beaton v. Thompson [44,989], 860
McKenney v. Sullivan [45,227], 611

Three-Generation Household

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
Monte v. New Mexico Dep't of Human Servs. [45,409], 745

Foster Care

Placement

Johnson v. MacMahon [45,845], 613
Wisconsin v. Baeza, 756

Garnishment

Colorado *ex rel.* D.C., 1204

Grant Levels

McEwen v. Ives [46,127], 1182
Michigan Dep't of Social Servs. v. Sullivan [46,086], 861
Washington State Coalition for the Homeless v. Thompson [44,223], 1186

Hearings

Conerly, *In re* [46,101], 864
Davis v. Department of Human Servs. [45,894], 743
Gadea v. Goodrich [45,868], 742
Malone v. Kustra [46,016], 740
McKenney v. Commissioner, Me. Dep't of Human Servs. [43,954], 614
Mikel v. Gourley [22,923], 1301

Home Care Services

Jefferson, *In re* [45,733], 384

Home Searches

Owens v. Thompson [44,037], 864, 1185

Incapacitated Claimants

Davis v. Department of Human Servs. [45,894], 743
Frazier v. South Dakota Dep't of Social Servs. [46,208], 1185
Sebastian v. Commissioner of Human Servs. of Tenn. [46,248], 1184
Taylor v. Office of Sec'y of La. Dep't of Health & Human Resources [45,958], 613, 1302

Income

Thornton v. Department of Pub. Welfare, 394

Availability

Mosley v. White [45,534], 57
Rowe v. Cowherd, 1403

Deeming

Orris v. Rubin [46,282], 1301

Disregards

Davis v. White [46,204], 1183
Jefferson, *In re* [45,733], 384
Triplett, *In re* [46,272], 1303
Wilson v. Ledbetter [44,722], 277, 632

☐ Caretaker Relative

Adams v. Griepentrog [46,148], 1182

☐ Earned Income

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834
Sallis v. McMahon [46,057], 863
Vierra v. Rubin [44,266], 1301

Income Tax Refunds

Doucette v. Ives [46,021], 741, 1148
McKenney v. Commissioner, Me. Dep't of Human Servs. [43,954], 614

Lack of State Funds

Hartley, *In re* [45,837], 615

Liens for Benefits Received

Nicholas v. Commissioner, Dep't of Human Servs. [46,023], 744
Sidwell v. McMahon [44,763], 381

Lump Sum Payments

Coakley v. Sunn, 163
Conerly, *In re* [46,101], 864
Rodriguez v. Montana Dep't of Social & Rehabilitative Servs. [46,207], 1185
Shaw v. McMahon [39,686], 268
Smith v. Concannon [45,037], 1161
Turner v. Ledbetter [42,651], 756

Man-in-the-House

Hall v. Iowa Dep't of Human Servs., 632

Mandatory Cooperation

Location or Identification of Absent Parent

Douglas v. Babcock [45,656], 267, 1300

Monthly Income Reporting

Marturello v. Angus [45,833], 612
Vierra v. Rubin [44,266], 1301

Negative Action Notices

Kronquist v. Goodrich [45,344], 612, 1388
Rehnberg v. Aronson [45,788], 382

Paternity

Becker County Welfare Dep't v. Bellcourt, 391

Cooperation in Establishing

Auer v. Babcock [45,841], 269
Douglas v. Babcock [45,656], 267, 1300
Heigh v. Department of Human Resources [45,986], 742
Rivera v. Heintz, 756

Payment Standards

Little v. Coler, 277
McEwen v. Ives [46,127], 1182

Prompt Processing

Alexander v. Flaherty [13,475], 1183
Davis v. Commissioner, Me. Dep't of Human Servs. [46,038], 743
Hatten-Gonzales v. Valdez [46,043], 861
Mikel v. Gourley [22,923], 1301
Rivera v. White [45,846], 611
See Moua v. Goodrich [45,219], 1184
St. Amand v. Commissioner, Me. Dep't of Human Servs. [44,974], 614

Prorated Grants

Adams v. Griepentrog [46,148], 1182

Recoupment

Departmental Error

Colorado *ex rel.* D.C., 1204
Houston v. Duffy [45,621], 152
Iowa Dep't of Human Servs. v. Pierce, 1204
M., *In re* [45,483], 59
Withey v. Perales [41,763], 382, 860, 1402

Overpayments

Houston v. Duffy [45,621], 152
Johnston v. Iowa Dep't of Human Servs. [46,117], 1181
M., *In re* [45,483], 59

Reimbursements

Davis v. Swatts, 164
Jackson v. Rapps, 1189

Relative Responsibility

Adams v. Griepentrog [46,148], 1182

Child Support

☐ Reimbursement to Welfare Agency

Boulder County Dep't of Social Servs. v. Harkreader, 756
Crow Wing County, Minn. v. Thoe, 157
Davis v. Swatts, 164
Wellman v. Department of Human Servs. [45,707], 381

Reporting Systems

Jefferson, *In re* [45,733], 384
Wisconsin v. Baeza, 756

Residency Requirements

Mosley v. White [45,534], 57

Resources

Case No. 90205043, *In re* [46,257], 1302
Rodriguez v. Montana Dep't of Social & Rehabilitative Servs. [46,207], 1185
We Who Care v. Sullivan [46,028], 742

Retroactive Payments

Herrera v. Adult & Family Servs. Div., 881
Robertson v. Concannon [43,878], 862, 1388

Sanctions

Auer v. Babcock [45,841], 269
Boettger v. Bowen [42,866], 1387
Kronquist v. Goodrich [45,344], 612, 1388
Marturello v. Angus [45,833], 612

Shelter Allowance

Holmes v. Perales [45,783], 383
Jiggetts v. Grinker [43,124], 151
Washington State Coalition for the Homeless v. Thompson [44,223], 1186

Special Needs Grant

Davis v. Commissioner, Me. Dep't of Human Servs. [46,038], 743
Gatcomb v. Commissioner, Me. Dep't of Human Servs. [45,834], 614
Lucier v. Maine Dep't of Human Servs. [45,862], 741

Standard of Need

Hightower v. Duffy, 65
McEwen v. Ives [46,127], 1182

Statute of Limitations

Withey v. Perales [41,763], 382, 860, 1402

Stepparent

Davis v. White [46,204], 1183
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834
Michigan Dep't of Social Servs. v. Sullivan [46,086], 861

Student Eligibility

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182

Supplemental Assistance

Kelley v. Commissioner, Me. Dep't of Human Servs. [46,018], 744, 1185

Support Obligations

Utah Dep't of Social Servs. v. Adams [46,357], 1389
Vanscoter v. Sullivan [41,726], 1402

Tax Refund Intercept

Doucette v. Ives [46,021], 741, 1148

Termination of Benefits

Chase v. Ives [45,240], 269
Gadea v. Goodrich [45,988], 742
Hammond v. MacMahon [45,847], 613
Herrera v. Adult & Family Servs. Div., 881
Johnson v. MacMahon [45,845], 613
Kramer v. New Mexico Human Servs. Dep't [46,201], 1184, 1302
Malone v. Kustra [46,018], 740
Michigan Dep't of Social Servs. v. Sullivan [46,086], 861
Owings v. Economic & Medical Servs., 756

Excess Income

Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834

Lump Sum Payments

Coakley v. Sunn, 163

Conerly, *In re* [46,101], 864
Rodriguez v. Montana Dep't of Social & Rehabilitative Servs. [46,207], 1185
Shaw v. McMahon [39,886], 268
Turner v. Ledbetter [42,651], 756

Reporting Requirements

St. Amand v. Commissioner, Me. Dep't of Human Servs. [44,974], 614

▪ Unborn Children

Douglas v. Babcock [45,858], 267, 1300

▪ Underpayments

Withey v. Perales [41,783], 382, 860, 1402

▪ Unearned Income

Sallis v. McMahon [46,057], 863
Wilson v. Ledbetter [44,722], 277, 632

▪ Unemployment

Biggs v. North Carolina Dep't of Human Resources [46,360], 1389
Chase v. Ives [45,240], 269
Johnston v. Iowa Dep't of Human Servs. [46,117], 1181
Shaw v. McMahon [39,886], 268

Good Cause

Coalition of Cal. Welfare Rights Orgs. v. McMahon [45,498], 58

▪ Unmarried Parent

Biggs v. North Carolina Dep't of Human Resources [46,360], 1389
Doubt v. Jackson [45,862], 612
Rivera v. Heintz, 756

▪ Utility Grant

McMullen v. Perales [44,359], 267

Unpaid Bills

Wayne Township of Allen County v. Hunnicutt, 164

▪ Verification

Alexander v. Flaherty [13,475], 1183
Coleman v. White [42,349], 57
Hatten-Gonzales v. Valdez [46,043], 861
Verification Issues, *In re* [46,306], 1303

▪ Work Expenses (Deductions)

Child Care

Oulman v. Adult & Family Servs. Div. of Or. [45,593], 151
Rivera v. White [45,846], 611

Travel

Crary v. Department of Social Servs. [45,402], 863

▪ Work Incentive Demonstration Projects

Workfare

Jacobson v. McMahon [46,056], 863

▪ Work Incentive Program

Crary v. Department of Social Servs. [45,402], 863
Davis v. Commissioner, Me. Dep't of Human Servs. [46,088], 743
Lucier v. Maine Dep't of Human Servs. [45,892], 741

Employment Plans

Gatcomb v. Commissioner, Me. Dep't of Human Servs. [45,834], 614

Registration Requirements

Chase v. Ives [45,240], 269
Johnston v. Iowa Dep't of Human Servs. [46,117], 1181

Sanctions for Failure to Participate

Boettger v. Bowen [42,869], 1387
Coalition of Cal. Welfare Rights Orgs. v. McMahon [45,498], 58
Hinrichs v. Goodrich [45,544], 58, 1282
Jacobson v. McMahon [46,056], 863

Support Obligations

Jacobson v. McMahon [46,056], 863

AIDS

See HEALTH

ALIENS

See also IMMIGRATION, MIGRANTS

Hernandez v. Cremer [44,584], 1197

▪ Deportation

Azizi v. Thornburgh, 875
Manwani v. United States Dep't of Justice, 625

▪ Drugs

Fernandez-Santander v. Thornburgh, 1398

▪ Employment

Discrimination

United States v. Todd Corp., 390

Unfair Labor Practices

Garcia v. Yeutter [45,708], 377, 1296

Work Authorization

Etuk v. Blackman [46,144], 1173
Northwest Forest Workers Ass'n v. Yeutter [42,653], 140

▪ Health Care Services

Undocumented Aliens

Dominguez v. Superior Court of Cal., Alameda County [45,863], 594, 725

▪ Illegal Aliens

Manwani v. United States Dep't of Justice, 625
Pandanzyla v. Perales [45,652], 269

▪ Juveniles

Pandanzyla v. Perales [45,652], 269

▪ Medicaid

Eligibility

Bennetto v. Illinois Dep't of Pub. Aid, 275
Crespin v. Kizer [45,704], 1164
Rubio, *In re* [45,677], 256

▪ Naturalization

Delays

Escobar v. INS, 275

▪ Political Asylum

De Valle v. INS, 625

▪ Residency

Azizi v. Thornburgh, 875

▪ Resident Alien's Rights

California Rural Legal Assistance v. LSC [44,700], 61, 1145
Escatel v. Board of Review of Ill. Dep't of Employment Sec. [46,131], 1180
Fernandez-Santander v. Thornburgh, 1398

▪ Welfare Eligibility

California Rural Legal Assistance v. LSC [44,700], 61, 1145
Pandanzyla v. Perales [45,652], 269
Tabib v. Sullivan [43,692], 379

ATTACHMENT

See also CONSUMER, GARNISHMENT, REPOSSESSION

▪ Ex Parte

Pinsky v. Duncan, 386

ATTORNEY FEES

▪ Administrative Activities

Boatwright v. Sullivan [45,592], 146
Cormier v. Housing Auth. of New Iberia [45,574], 124
Davis v. Bowen, 154
Hull v. Bowen, 1304
Moore v. District of Columbia [46,053], 873
New Jersey Div. of Youth & Family Servs. v. D.C. & M.C., 385
Phillips v. Sullivan, 154
Schlank v. Williams, 389
Wells v. Sullivan, 867
Wilson v. Sullivan [41,099], 1392

▪ Advancement of Public Interest

Kunstler v. Britt, 1188
Metropolitan Dade County v. Malloy [45,702], 358
Rosario v. Livaditis [44,042], 31

▪ Award

Achaval-Bianco v. Gustafson, 616
Alberti v. Klevenhagen, 270
Baber v. Sullivan, 1392
Bowman v. Secretary of HHS, 1187
Canady v. Sullivan, 154
Carrero v. New York City Hous. Auth., 1304
Celeste v. Sullivan, 616
Chevalier v. Moon, 746
Childress v. Sullivan [39,987], 746, 1187
Chmill v. Friendly Ford-Mercury of Janesville, Inc., 385
Cormier v. Housing Auth. of New Iberia [45,574], 124
Crowder v. Housing Auth. of Atlanta, 867
De Jesus v. Banco Popular de P.R., 1304
Donato v. Corrado, 870
George v. Sullivan [44,669], 1392
Grant v. Sullivan [44,741], 33, 583, 1146
Hooper v. Sullivan [28,888], 31
Howard Gault Co. v. Texas Rural Legal Aid [43,623], 709
Huderson v. HUD [46,100], 616
Hull v. Bowen, 1304
Huntington Branch NAACP v. Town of Huntington, 1304
Independent School Dist. 623, Roseville, Minn. v. Digre, 154
J. v. Jones [31,293], 125

Keyhea v. Rushen [29,258], 833
Knagge v. Sullivan, 616
Koster v. Perales [38,504], 357
Lorenc v. Call [45,367], 243
Nunez v. Interstate Corporate Sys. [45,916], 1146, 1393
Ofray v. Secretary of HHS, 867
Perez v. Perkiss [45,548], 35, 581
Randolph v. Sullivan, 746
Rangel v. Mattox [45,553], 125
Rosario v. Livaditis [44,042], 31
Rutledge v. Sullivan, 1187
Scott v. Sullivan, 617
Sella v. Hahn Thi Vo [45,898], 243
Seymore v. Secretary of HHS, 746
Sullivan v. Sullivan, 746
Tay v. Flaherty [43,988], 867
United Farm Workers of Am. v. INS [42,723], 832
United States v. City & County of San Francisco, 1304
Utah Dep't of Social Servs. v. Adams [46,357], 1389
White v. Indiana Realty Assocs. II, 752
Willis v. Sullivan [43,693], 270

Bad Faith

Brown v. Sullivan, 1187
Chevalier v. Moon, 746
Schlank v. Williams, 389
Smith v. Medical Credit Servs. [45,844], 245
Utah Dep't of Social Servs. v. Adams [46,357], 1389

Civil Rights Attorney's Fees Awards Act

National Foods, Inc. v. Rubin, 1304

Settlements

Cazier v. Bowen [44,788], 242

Successful Action

Cazier v. Bowen [44,788], 242
Lorenc v. Call [45,367], 243

Collection

Maynard v. Mine Hill Township, 1392

Consent Decrees

Crowder v. Housing Auth. of Atlanta, 867

Enforcement

Palmer v. Jordan [46,132], 1146

Costs Allowed

Childress v. Sullivan [39,987], 61, 1145
J. v. Jones [31,283], 125
Rangel v. Mattox [45,553], 125
Williams v. City of New York, 61

Denial

Brezinsky v. Chervinko, 61
Moseanko v. Yeutter [42,954], 1370
National Foods, Inc. v. Rubin, 1304
New Jersey Div. of Youth & Family Servs. v. D.C. & M.C., 385
Pottgieser v. Kizer [42,597], 750
Prevatte v. Asbury Arms Apartments [46,082], 832
Schlank v. Williams, 389
Sommer v. Sullivan, 385

Determination

Alberti v. Klevenhagen, 270
Avila v. Coca-Cola Co., 61
Bowman v. Secretary of HHS, 1187
Brown v. Sullivan, 1304
Burr v. Sobol [45,322], 1145
Canady v. Sullivan, 154
Carrero v. New York City Hous. Auth., 1304
Childress v. Sullivan [39,987], 61, 1145
Chmill v. Friendly Ford-Mercury of Janesville, Inc., 385
Davis v. Bowen, 154
DeGidio v. Pung, 1392
Donato v. Corrado, 870
Duggan, *In re*, 616
Equitable Life Assurance Soc'y v. Sublett (*In re* Sublett), 1155
Goff v. Sullivan, 746
Grant v. Sullivan [44,741], 33, 583, 1146
Hooper v. Sullivan [28,898], 31
Huntington Branch NAACP v. Town of Huntington, 1304
Inmates of Allegheny County Jail v. Wecht [21,898], 627
Johnson v. Sullivan [45,624], 124, 1145
Keyhea v. Rushen [29,258], 833
Kunstler v. Britt, 1188
Mara v. Sullivan, 616
Martin v. University of S. Ala., 1187
McGuire v. Bowen, 616
Ofray v. Secretary of HHS, 867
Pittman v. Sullivan, 1187
Randolph v. Sullivan, 746
Royzer v. Secretary of HHS, 616
Secatore v. Bowen, 385
Sumners v. Sullivan, 154
Trustees of Tufts College v. Ramsdell, 617
United Farm Workers of Am. v. INS [42,723], 832
United States v. City & County of San Francisco, 1304
United States Dep't of Labor v. Triplett, 270
Wells v. Sullivan, 867
Williams v. City of New York, 61

Equal Access to Justice Act

Achaval-Bianco v. Gustafson, 616
Ardestani v. INS, 616
Baber v. Sullivan, 1392
Boatwright v. Sullivan [45,592], 146
Brown v. Sullivan, 1187
Carpenter v. Sullivan [45,989], 723
Celeste v. Sullivan, 616
Chynoweth v. Sullivan [44,462], 1392
Cronkhite v. Kemp [45,371], 599, 1370
Davis, *In re*, 385
Duggan, *In re*, 616
George v. Sullivan [44,898], 1392
Gutierrez v. Sullivan, 616
Hull v. Bowen, 1304
Johnson v. Sullivan [45,624], 124, 1145
Knagge v. Sullivan, 616
Ofray v. Secretary of HHS, 867
Perket v. Secretary of HHS, 616
Secatore v. Bowen, 385
Seymore v. Secretary of HHS, 746
Shepard v. Sullivan, 385
Sommer v. Sullivan, 385
Trahan v. Brady [42,658], 867
Wilson v. Sullivan [41,089], 1392

Substantially Justified Position

Begley v. Sullivan [43,988], 54, 265, 1178
Bradley v. Secretary of HHS, 867
Burkart v. Sullivan, 154
Canady v. Sullivan, 154
Cazier v. Bowen [44,788], 242
Cervantez v. Sullivan [44,983], 581
Childress v. Sullivan [39,987], 61, 1145
Darling v. Sullivan [42,592], 360, 841, 1281
Huderson v. HUD [45,100], 616
Johnson v. Bowen, 616
LeFever v. Perales [46,388], 1385
Melkonyan v. Heckler, 154
Moseanko v. Yeutter [42,954], 1370
Phillips v. Sullivan, 154
Ramon v. Soto, 1199
Randolph v. Sullivan, 746
Scott v. Sullivan, 617
Sullivan v. Sullivan, 746
Tay v. Flaherty [43,988], 867
United Farm Workers of Am. v. INS [42,723], 832
Vance v. Sullivan [45,528], 57, 150, 1184, 1281
Willis v. Sullivan [43,693], 270
Wilmer v. Sullivan [44,791], 148, 709
Wright v. Bowen [45,728], 368

Hourly Rates

Baber v. Sullivan, 1392
Bowman v. Secretary of HHS, 1187
Brown v. Sullivan, 1187
Burkart v. Sullivan, 154
Burr v. Sobol [45,322], 1145
Chynoweth v. Sullivan [44,462], 1392
Darling v. Sullivan [42,592], 360, 841, 1281
Goff v. Sullivan, 746
Hooper v. Sullivan [28,898], 31
J. v. Jones [31,283], 125
Johnson v. Sullivan [45,624], 124, 1145
Keyhea v. Rushen [29,258], 833
Mara v. Sullivan, 616
Martin v. University of S. Ala., 1187
McGuire v. Bowen, 616
Ofray v. Secretary of HHS, 867
Perez v. Perkiss [45,548], 35, 581
Phillips v. Sullivan, 154
Plyler v. Evatt, 616
Rangel v. Mattox [45,553], 125
Royzer v. Secretary of HHS, 616
Rutledge v. Sullivan, 1187
Sumners v. Sullivan, 154
United Farm Workers of Am. v. INS [42,723], 832
Vance v. Sullivan [45,528], 57, 150, 1184, 1281
Williams v. City of New York, 61
Willis v. Sullivan [43,693], 270

Indigents

New Jersey Div. of Youth & Family Servs. v. D.C. & M.C., 385

Legal Services

Howard Gault Co. v. Texas Rural Legal Aid [43,623], 709
Metropolitan Dade County v. Malloy [45,702], 358
Rosario v. Livaditis [44,042], 31
Sella v. Hahn Thi Vo [45,898], 243

Prevailing Party

Avila v. Coca-Cola Co., 61
Burkart v. Sullivan, 154
Callicotte v. Cheney, 1193
Chmill v. Friendly Ford-Mercury of Janesville, Inc., 385
D., Jeff v. Andrus [37,341], 385
Darling v. Sullivan [42,592], 360, 841, 1281
Davis, *In re*, 385
DeGidio v. Pung, 1392
Hooper v. Sullivan [28,898], 31
Houston v. Sullivan, 1304
Johnson v. Bowen, 616
Koster v. Perales [38,504], 357
Maynard v. Mine Hill Township, 1392
Moore v. District of Columbia [46,053], 873
Phillips v. Sullivan, 154
Plyler v. Evatt, 616
Sella v. Hahn Thi Vo [45,898], 243
Shepard v. Sullivan, 385
Trahan v. Brady [42,658], 867
Willis v. Sullivan [43,693], 270

Section 1983 Suits

Duquette v. Housing Auth. of Woonsocket, R.I. [45,709], 372
Howard Gault Co. v. Texas Rural Legal Aid [43,623], 709
Koster v. Perales [38,504], 357

Lorenc v. Call [45,367], 243
National Foods, Inc. v. Rubin, 1304

Section 1988 Suits

Darling v. Sullivan [42,592], 360, 841, 1281
Howard Gault Co. v. Texas Rural Legal Aid [43,623], 709
Huntington Branch NAACP v. Town of Huntington, 1304
Koster v. Perales [39,504], 357
United States v. City & County of San Francisco, 1304
Williams v. City of New York, 61

Settlements

Cazier v. Bowen [44,768], 242

Conditions

J. v. Jones [31,203], 125
Rangel v. Mattox [45,553], 125
Sumners v. Sullivan, 154

Time Spent on Fee Application

Alberti v. Klevenhagen, 270
Perez v. Perkiss [45,548], 35, 581
Seymore v. Secretary of HHS, 746

Timeliness of Motion

Boatwright v. Sullivan [45,592], 146
Bradley v. Secretary of HHS, 867
Gutierrez v. Sullivan, 616
Melkonyan v. Heckler, 154
Moore v. Porter [45,239], 31
Wilson v. Sullivan [41,089], 1392

ATTORNEYS

See also ATTORNEY FEES

California Rural Legal Assistance v. LSC [44,700], 61, 1145

Attorney-Client Privilege

Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Dahl, 1392
Ross v. Moore, 272

Effective Assistance of Counsel

Fuehrer, Adoption of, *In re*, 620
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Dahl, 1392
S., P.L., Paternity of, *In re*, 1396

Interest on Lawyers' Trust Accounts

Indiana State Bar Ass'n's Petition to Authorize Program Governing Interest on Lawyers' Trust Accounts, *In re*, 154

Judicial Process

Misuse

Hays v. Johnson, 1187
Kunstler v. Britt, 1188
Thornton v. District of Columbia [46,273], 1293

Suspension

Anderson, *In re*, 867

AUTOMOBILES

See also CONSUMER, DRIVER'S LICENSE, INSURANCE, REPOSSESSION

Chmill v. Friendly Ford-Mercury of Janesville, Inc., 385
Curry Corp. v. Moore [45,753], 713

Dealers

Couto v. Gibson, Inc. [45,780], 361

Deceptive Trade Practices

Briggs v. Carol Cars, Inc., 618
Hale v. Basin Motor Co., 1189, 1393

Sales

Mellon Bank v. Avinel [46,365], 1375
Elder v. Coronet Ins. [45,977], 714

Odometer Reading Requirements

Haynes v. Manning, 1305
Ralbovsky v. Lamphere, 271

Repairs

Hale v. Basin Motor Co., 1189, 1393
Muzzy v. Chevrolet Div., Gen. Motors Corp., 272

Repossession

Ford Motor Credit Co. v. Williams, 386
Gaynor v. Union Trust Co., 1393
Jordan v. Kent Recovery Servs., Inc., 271

Sales

General Motors Corp. v. Abrams, 271
Jensen v. Ray Kim Ford, Inc., 1393
McCall v. Jim Lynch Cadillac, Inc., 868
Motor Vehicle Mfrs. Ass'n v. Abrams, 386

Used Automobiles

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,886], 246
Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

Warranties

Adams v. Nissan Motor Corp., 62
Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129
Motor Vehicle Mfrs. Ass'n v. Abrams, 386
Muzzy v. Chevrolet Div., Gen. Motors Corp., 272
New York v. Ford Motor Co., 62

BANKRUPTCY

Ashbrook v. Block, 1312
Chambers v. Diamant [44,711], 1147

Adversarial Proceedings

Davis, *In re*, 385
Rowe v. Conners (*In re* Rowe) [45,528], 32

Automatic Stay

Colon v. Hart (*In re* Colon) [44,881], 583
Fonseca v. Philadelphia Hous. Auth. (*In re* Fonseca) [45,594], 138
Hemetek v. Standish (*In re* Bush) [44,839], 126, 833
Holford v. Powers (*In re* Holford), 155

Chapter 7

Barletta v. Tedeschi [46,254], 1282
Colonial Am. Nat'l Bank v. Via [45,232], 1147
Hemetek v. Standish (*In re* Bush) [44,839], 126, 833
Johnson, *In re*, 617
Jordan, *In re*, 1188
LeFeber, *In re*, 746
Love v. Love [45,853], 582, 1146
Peterson, *In re*, 270
Robinson v. Michigan Consol. Gas Co., 1305
United States v. Jones [45,779], 380
White v. Indiana Realty Assocs. II, 752

Chapter 11

Braen v. Laganella, 617

Chapter 13

Conley, *In re* [45,829], 582
Grigsby v. Thorp Consumer Discount (*In re* Grigsby) [46,176], 1153
Hanratty v. Philadelphia Elec. Co., 867
Johnson, *In re*, 617
Pennsylvania Dep't of Pub. Welfare v. Davenport [43,294], 359
Rowe v. Conners (*In re* Rowe) [45,528], 32
Wilson v. Commonwealth Mortgage Corp., 154

Mortgage Foreclosure

Draper v. Federal Nat'l Mortgage Ass'n (*In re* Draper) [46,193], 1147

Contempt

Colon v. Hart (*In re* Colon) [44,881], 583

Discharge

Braen v. Laganella, 617
Foreman, *In re*, 746
Gianakas v. Gianakas, 1305
Johnson, *In re*, 617
Pennsylvania Dep't of Pub. Welfare v. Davenport [43,294], 359
Roberts v. United States [44,771], 582
Seibert, *In re*, 1187

Intentional Torts

Perino v. Cohen [45,627], 125

Judicial Liens

Isom, *In re*, 617

Social Security Overpayments

United States v. Jones [45,779], 380

Student Loans

Nead v. Pennsylvania Higher Educ. Assistance Agency (*In re* Nead) [45,499], 32, 126

Support Obligations

Bush v. Taylor, 155, 1187
Love v. Love [45,853], 582, 1146

Discrimination

Conley, *In re* [45,829], 582
Hanratty v. Philadelphia Elec. Co., 867
Laracuente v. Chase Manhattan Bank, 61

Exemptions

Jordan, *In re*, 1188
Moore v. Raine, 867

Homestead

Peterson, *In re*, 270
Sanderfoot, *In re*, 385
Snow, *In re*, 385

Voluntary Transfers

Colonial Am. Nat'l Bank v. Via [45,232], 1147

▪ Involuntary Assignment

Colonial Am. Nat'l Bank v. Via [45,232], 1147

▪ Pensions

Bush v. Taylor, 155, 1187

▪ Preclusion of New Claims

Barletta v. Tedeschi [46,254], 1282

▪ Proof of Claims

Draper v. Federal Nat'l Mortgage Ass'n (*In re* Draper) [46,193], 1147

▪ Right to Jury Trial

Perino v. Cohen [45,827], 125

▪ Secured Creditors

Equitable Life Assurance Soc'y v. Sublett (*In re* Sublett), 155
Wilson v. Commonwealth Mortgage Corp., 154

BLACK LUNG BENEFITS

Cline v. Director, Office of Workers' Compensation Program, 1196
United States Dep't of Labor v. Triplett, 270

▪ Delay in Processing

Daugherty v. Director of Office of Workers Compensation, 275
Old Ben Coal Co. v. Jones, 275

▪ Eligibility as Primary Defense

Chastain v. Freeman United Coal Mining Co., 1309
Island Creek Coal Co. v. Honaker, 159
Peabody Coal Co. v. Helms, 624
Robbins v. Jim Walter Resources, Inc., 390
Robinson v. Pickands Mather & Co./Leslie Coal Co., 1196

▪ Judicial Review

Bartley v. L&M Coal Co., 624
Big Horn Coal Co. v. Office of Workers' Compensation Programs, 275
Bosco v. Twin Pines Coal Co., 63
Chastain v. Freeman United Coal Mining Co., 1309
Cook v. Office of Workers Compensation Programs, 623
Cresto v. Director, Office of Workers' Compensation Programs [43,298], 250
Daugherty v. Director of Office of Workers Compensation, 275
Freeman United Coal Mining v. Benefits Review Bd., United States Dep't of Labor, 1196
Hawkins v. Director, Office of Workers' Compensation Programs [45,987], 720
Island Creek Coal Co. v. Honaker, 159
Old Ben Coal Co. v. Jones, 275
Peabody Coal Co. v. Helms, 624
Peabody Coal Co. v. Shonk, 750
Poole v. Freeman United Coal Mining Co. [45,997], 721
Shendock v. Director, Office of Workers' Compensation Programs, 156
Taylor v. Clinchfield Coal Co., 159
Wiley v. Consolidation Coal Co., 1196

▪ Standard of Review

Bartley v. L&M Coal Co., 624
Cresto v. Director, Office of Workers' Compensation Programs [43,298], 250
Faries v. Director, Office of Workers' Compensation Programs, 874
Freeman United Coal Mining v. Benefits Review Bd., United States Dep't of Labor, 1196
Hawkins v. Director, Office of Workers' Compensation Programs [45,987], 720

CIVIL PROCEDURE

See also ADMINISTRATIVE LAW, DUE PROCESS

Burris v. First Fin. Corp., 618
Tyler House Tenant Council v. Tyler House Apartments [42,409], 1172

▪ Abstention

Ayers v. Philadelphia Hous. Auth., 868
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291
Clay County Manor v. Luna [45,867], 254, 584
Congleton v. Holy Cross Child Placement Agency [45,577], 130, 1392
County of Suffolk v. Long Island Lighting Co., 868
Doe v. Hirsch, 271
Hinrichs v. Goodrich [45,544], 58, 1282
Rogers v. Janzen, 61

▪ Access to Courts

Cheung v. Youth Orchestra Found. of Buffalo, 746

▪ Admissions

Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282

Responses

Dailey, *In re*, 272

▪ Affidavit

W., T., *In re*, 386

▪ Appeals

Richardson v. Henry, 617
Saunders v. Illinois Dep't of Pub. Aid, 875
United States v. Grundhoefer [46,129], 1158

Appealability

Bersin, *In re* [45,893], 733
Crowder v. Sullivan [44,883], 271
Murray, *In re*, 875
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Geist [46,123], 1174

Clerical Mistakes

Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

Collateral Orders

Acosta v. Tenneco Oil Co., 1188

Fees and Expenses

W., T., *In re*, 386

Final Judgment

Crowder v. Sullivan [44,883], 271
Fuller v. Quire, 1188
Johnson v. Orr, 270
Murray, *In re*, 875

Interlocutory Orders

Gregory v. Depte, 155
Kennedy v. Kennedy, 748
Zayas-Green v. Casaine, 746

Mandamus

Sexton v. Canady [46,184], 1180

Mootness

P.H. Inv. v. Oliver [44,960], 48, 602
Sexton v. Canady [46,184], 1180

Notice

FirsTier Mortgage Co. v. Investors Mortgage Ins. Co., 1305
Kipp v. Rawson, 156
Ohio *ex rel.* Tyler v. Alexander, 747

Pauper's Oath

Sansom v. Sprinkle, 1393

Procedure

Shendock v. Director, Office of Workers' Compensation Programs, 156

Records

Dala v. Board of Review of W. Va. Dep't of Employment Sec. [46,134], 1150

Remand

Crowder v. Sullivan [44,883], 271
Mansfield v. Michigan Ins. Bureau [44,956], 255

Scope of Review

Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282
Monte v. New Mexico Dep't of Human Servs. [45,408], 745

Screening

Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

Statutory Rights

Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

▪ Appearance

Bliuvas v. Biel [46,153], 1157

▪ Cause of Action

Association for Children for Enforcement of Support v. Conger, 386
National Foods, Inc. v. Rubin, 1304

Elements of Pleadings

Rauh v. Coyne, 1194

Failure to Make Required Allegations

Lewis v. Fulwood, 156

Federal Statutory Rights

Hastalis v. Illinois Human Rights Comm'n, 1309
Kingston Square Tenants Ass'n v. HUD [45,118], 256

▪ Collateral Estoppel

Braen v. Laganella, 617
Johnson v. Herrington [45,837], 247
Lytle v. Household Mfg., 155
Richardson v. City of South Euclid, 618

▪ Comity

Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291

▪ Complaints

Claim for Relief

Kunstler v. Britt, 1188

Failure to State Claim

Balistreri v. Pacifica Police Dep't, 272, 618
Brindis v. California Dep't of Transp. [44,977], 45
Clair Recreation Center, Inc. v. Flynn, 270

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Glanz v. Vernick, 1309
Roman v. Jeffes, 617
Veal v. First Am. Sav. Bank [43,487], 717, 1192

Concurrent Jurisdiction

V., S.A., *In re*, 1393

Consent Decrees

Akers v. Ohio Dep't of Liquor Control, 617
Bates v. Johnson [38,270], 359
Brady v. Levin [46,038], 734
Clements v. City of Chester [45,882], 849
Cone v. Babcock [44,815], 255
Cosby v. Jackson [34,728], 880
DeGidio v. Pung, 1392
Ford Motor Credit Co. v. Williams, 386
Halderman v. Pennhurst State School & Hosp. [12,902], 617
Harris v. P.S. Mortgage & Inv. Corp. [45,527], 35
L., G. v. Zumwalt [20,937], 277
Paralyzed Veterans of Am. v. Washington Metro. Area Transit Auth., 158
Parents for Quality Educ. with Integration, Inc. v. Fort Wayne Community Schools, 62
Society for Good Will to Retarded Children v. Cuomo [28,198], 622, 1196

Class Actions

Brady v. Sullivan [43,692], 156
Holloway v. Hamilton [45,497], 49
M. v. City of Philadelphia [45,676], 262

Collateral Attacks

Baylor v. HUD, 624, 1196

Modification

Brown v. Luna [43,349], 41, 252
Walker v. HUD [42,158], 598, 1166

Refusal to Enter

D'Agnillo v. HUD, 751
Durrett v. Housing Auth. of Providence [45,445], 33

Contempt

Gregory v. Depte, 155
Shaw v. Allen [46,293], 1297

Civil

Brown v. Luna [43,349], 41, 252
Chavarria v. Jackson, 387
Cone v. Babcock [44,815], 255
Crane v. Crane, 386
Department of Human Resources v. Brown, 1307
Garcia v. Garcia, 619
Georgia *ex rel.* Harrell v. Harrell, 618
Holland, *Ex parte*, 748
Hopper v. Hopper, 619
L., G. v. Zumwalt [20,937], 277
Lowe v. Lowe, 619
Mikel v. Gourley [22,923], 1301
Sarrassat v. Sullivan [43,444], 40, 722
Wisconsin *ex rel.* A. v. S., 749

Criminal

Corry v. Corry, 1394
Hammock v. Bencini [46,027], 717
Lowe v. Lowe, 619
Scott, Marriage of, *In re*, 871

Continuance

Riley v. Alabama *ex rel.* White, 881

Costs

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199

Counterclaims

Dismissal

Smith v. Medical Credit Servs. [45,844], 245

Court Costs

Miles v. Metropolitan Dade County [45,016], 1197

Transcripts

Schulz v. North Dakota Dep't of Human Servs. [45,391], 34

Waiver

Schulz v. North Dakota Dep't of Human Servs. [45,391], 34

Cross-Examination

Demenech v. Secretary of HHS, 1202
Owens v. Libhart, 161

Declaratory Judgment

Dodge v. Town of Norridgewock [45,981], 709, 880
James v. D'Elia [46,142], 1149

Default Judgment

Duncan v. Sabal Palms I Assocs. [44,209], 595
Storseth v. Brown, Raymond & Rissler [46,358], 1370

Evictions

Ward v. Rosenfeld, 1305

Relief from

Goldome Credit Corp. v. Houston [45,899], 729

Vacation of

- Conditions

Ward v. Rosenfeld, 1305

Defenses

Johnston v. Johnston, 387

Discovery

Compelled Discovery

Grant v. Sullivan [44,741], 33, 583, 1146

Costs

Hodge v. Prince, 271

Depositions

- Costs

Hall v. Lacheta [46,203], 1149, 1283

- Objections

Hall v. Lacheta [46,203], 1149, 1283

- Sanctions

Hall v. Lacheta [46,203], 1149, 1283

Experts

H. v. Johnson [45,092], 1148, 1294

Production of Documents

- Objections

Grant v. Sullivan [44,741], 33, 583, 1146

Protective Order

James v. D'Elia [46,142], 1149

Discretion of Court

H., F.E., Guardianship of, *In re*, 391

Dismissal of Action

Balistreri v. Pacifica Police Dep't, 272, 618
Clair Recreation Center, Inc. v. Flynn, 270
Glanz v. Vernick, 1309
Hodge v. Ruperto, 878
Kunstler v. Britt, 1188
Roman v. Jeffes, 617

Defects in Jurisdiction

Gautam v. Human Resources Admin. Hamilton Resource Center [46,156], 1149

Failure to Prosecute

Becky v. Norwest Bank Dillon, N.A., 1393
Vianello v. Pacifico, 746

Grounds

Matthews v. Gaither, 617
Roe v. Hamilton County Dep't of Human Servs., 1311

Stipulation

Conley, *In re* [45,829], 582

Without Prejudice

Conley, *In re* [45,829], 582
Ford Motor Credit Co. v. Williams, 386
Houston v. Duffy [45,621], 152

Estoppel

Burrow v. Vrontikis, 273
Etherington v. Bankers Life & Casualty Co., 1312
Johnston v. Johnston, 387
M., *In re* [45,483], 59

Exhaustion of Remedies

Grant v. Sullivan [44,741], 33, 583, 1146
James v. D'Elia [46,142], 1149
Jewell v. County of Nassau, 1305
Massachusetts v. Lyng [44,131], 158

Federal Courts

Ayers v. Philadelphia Hous. Auth., 868
Fern v. United States, 868
FirsTier Mortgage Co. v. Investors Mortgage Ins. Co., 1305
Florida Dep't of Labor v. DOL, 156
Fuller v. Quire, 1188
Perino v. Cohen [45,627], 125

Diversity

Congleton v. Holy Cross Child Placement Agency [45,577], 130, 1392

Jurisdiction

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Mozur v. Turnage, 65

- Objections

Broom v. TRW Credit Data, 271

Pendent Jurisdiction

Broom v. TRW Credit Data, 271
Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Norton v. Cobb, 1189

Removal

DePasquale v. Aetna Life Ins. Co., 1188
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834

Findings and Conclusions by Court

Required

Chamberlain v. Chamberlain, 620

Habeas Corpus

Anderson v. Worden, 1188
Duncan, *In re*, 1396
Edwards v. Lockhart, 877
Hays v. Johnson, 1187
S., A., *In re*, 64

Procedure

Clifford v. Jacobs, 868

Request to Produce

Petru v. Bass, 620

Immunity

Bannum, Inc. v. City of Ft. Lauderdale, 618
C., P. v. McLaughlin, 1195
Colon v. Schneider, 391
H., Lester v. Gilhool, 1195
McCuen v. Polk County, Iowa, 64
Roe v. Hamilton County Dep't of Human Servs., 1311
Snell v. Tunnell, 1393
Turney v. O'Toole, 390

Immunity

Qualified

Burt v. Carlson, 1400
Croft v. Harder, 156
H., K. v. Morgan [43,232], 1197
Hampton v. Tinder, 271
Howell v. City of Catoosa, 157
Mendive v. Children's Servs. Div., 751
Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197
Scott v. Coughlin, 64
Simpson v. Hines, 627
Smith v. Coughlin, 64
Zayas-Green v. Casaine, 746

Sovereign

Ashbrook v. Block, 1312
Colon v. Hart (*In re* Colon) [44,881], 583
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834
Magula v. Broward Gen. Medical Center, 1188
Mosley v. Barry [44,151], 56, 1387
Wellman v. Department of Human Servs. [45,707], 381
Zellous v. Broadhead Assocs., 747

Injunctions

Bates v. Johnson [38,270], 359
Gadfield v. Ferris Chevrolet [46,381], 1374
Inmates of Allegheny County Jail v. Wecht [21,698], 627

Preliminary Injunction

Gregory v. Depte, 155
Hanlon v. Barton, 873
S., Jeffrey v. Georgia Bd. of Educ. [45,152], 156
Yarbaugh v. Roach [45,802], 605

Evidence

Catanzano v. Richardson [45,059], 39, 250

Interlocutory

Mansfield v. Michigan Ins. Bureau [44,958], 255

Intervention

Armentrout v. Kenley [31,809], 593
New York State Dep't of Social Servs. v. Sullivan [45,842], 268

By Right

Clay County Manor v. Luna [45,867], 254, 584

Permissive

Clay County Manor v. Luna [45,867], 254, 584

Procedures

Kipp v. Rawson, 156

Joinder

Parties

Clay County Manor v. Luna [45,867], 254, 584

Judgments

Class Action

Giles v. Housing Auth. of Frankfort [45,074], 257
James v. D'Elia [46,142], 1149
Vianello v. Pacifico, 746

Collateral Estoppel

Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,252], 1291

Court Approval

Durrett v. Housing Auth. of Providence [45,445], 33
Little Rock School Dist. v. Pulaski County Special School Dist., 61
Dodge v. Town of Norridgewock [45,981], 709, 880

Enforcement

Bates v. Johnson [38,270], 359
Brady v. Sullivan [43,892], 156
First Nat'l Bank of Ada v. Aries [43,789], 1153
Halderman v. Pennhurst State School & Hosp. [12,902], 617
Hovden, Marriage of, *In re*, 1396

Entry

Bates v. Johnson [38,270], 359

Finality

Crowder v. Sullivan [44,893], 271
FirsTier Mortgage Co. v. Investors Mortgage Ins. Co., 1305
Fuller v. Quire, 1188
Johnson v. Orr, 270
Kennedy v. Kennedy, 748

N.O.V.

Toombs v. Bell, 1200

Relief from

Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282

Remedies

Little Rock School Dist. v. Pulaski County Special School Dist., 61

Vacation of Judgments

Duquette v. Housing Auth. of Woonsocket, R.I. [45,709], 372
Greene v. District of Columbia Dep't of Corrections [45,801], 583

Jurisdiction

Darling v. Sullivan [42,562], 360, 841, 1281
Erspamer v. Derwinski [45,815], 148
Gautam v. Human Resources Admin. Hamilton Resource Center [46,158], 1149
Lacheta v. Hall [46,203], 1149, 1283
Mozur v. Turnage, 65
Solomon v. Lewis, 1191
Yellow Freight Sys., Inc. v. Donnelly, 270

Appearance

Limited

Bliuvas v. Biel [46,153], 1157

Objections to Jurisdiction

Curtis v. Curtis, 387
V., S.A., *In re*, 1393

Appellate Courts

Crane v. Crane, 386
W., T., *In re*, 386

Case and Controversy

Glanz v. Vernick, 1309

Consent

Rosebud Sioux Tribe v. South Dakota [45,286], 143

Defects in Jurisdiction

Personal

Chery v. Bowman, 617
Dominion Bank v. Lambert [45,513], 34
Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734], 365

Subject Matter

Flyinghorse, Guardianship of, *In re* [45,529], 50
Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734], 365
Housing Auth. of Seminole Nation v. Harjo [45,731], 377
Wells v. Wells [45,893], 717
Yates v. North Carolina Dep't of Human Resources, 386

Diversity of Citizenship

Congleton v. Holy Cross Child Placement Agency [45,577], 130, 1392
Farm Credit Bank of Wichita v. Tsolee [45,591], 144
McDermott v. Western Union Tel. Co., 1189
Straus v. Straus, 747

Exhaustion of Remedies

Kendal v. Cason, 618

Federal Question

Congleton v. Holy Cross Placement Agency [45,577], 130, 1392
Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839

Immunity

Crosby v. Kotch, 1310
Harwood v. Johnson [44,643], 161

In Personam

Chavarria v. Jackson, 387
V., S.A., *In re*, 1393

Jurisdictional Amount

Dubose v. General Motors Acceptance Corp. [44,829], 127
Simanonok v. Simanonok, 1305

Long Arm Statute

Dominion Bank v. Lambert [45,513], 34

Objections

Broom v. TRW Credit Data, 271

Pendent

Broom v. TRW Credit Data, 271
Coffman v. Wilson Police Dep't, 747
Flagstaff Medical Center v. Sullivan [44,758], 126, 833
Norton v. Cobb, 1189
Straus v. Straus, 747

Personal

Service

Dominion Bank v. Lambert [45,513], 34

Territorial Limits

Larson v. Dunn, 1190

Removal of Actions

□ Remand

Broom v. TRW Credit Data, 271

Service of Process

Fowler v. Jones, 391
Puett v. Blandford, 161

□ Insufficiency

A., *In re*, 876
Chavarria v. Jackson, 387

Jury Trial

Chicago Hous. Auth. v. Sifore [45,476], 46
Cooke v. Naylor, 618
Hoops v. United Tel. Co., 389
Perino v. Cohen [45,627], 125
Richardson v. Henry, 617
Walton v. Cowin Equip. Co., 388

Laches

Burrow v. Vrontikis, 273

Mandamus

Davis v. City of Berkeley, 873
Sullivan, *In re* [44,588], 628

Procedure

Hardman v. Cain [46,288], 1293
Koolstra v. Sullivan, 1202

Masters

Fowler v. Jones, 391
Sockwell v. Phelps, 747
Woods v. Dahlberg, 156

Action on Report

S., Jeffrey v. Georgia Bd. of Educ. [46,102], 156

Mootness

Coleman v. Hairston [44,388], 724
Davis v. City of Berkeley, 873
Davis v. Thornburgh [40,509], 836
Hernandez v. Cremer [44,594], 1197
Mead v. Batchlor [44,214], 1190
Mosley v. Hairston [44,151], 56, 1387
Sexton v. Canady [46,194], 1180

Live Controversy

Goetz v. Crosson, 64

Motions

Kelley v. McGinnis, 391

Pretrial

Hollywood Park Assocs. v. Diaz [45,604], 143
Zayas-Green v. Casaine, 746

New Trial

Gennings v. Newton [46,067], 852

Discretion of Court

S., P.L., Paternity of, *In re*, 1396

Excessive Verdict

Smith v. Law Offices of Mitchell N. Kay [45,814], 1152, 1373

Notices

Gennings v. Newton [46,067], 852
Sivak v. Ada County, 1201, 1400

Parties

Carelli v. Howser [44,746], 130, 243, 387, 715, 1375

Class Suits

Kimble v. Hayes [45,623], 132
Department of Health & Rehabilitative Servs. v. Blue, 868
L., Marcia, *In re*, 156
Michigan Dep't of Social Servs. v. Sullivan [46,086], 861
Sechrest, Marriage of, *In re*, 1307

Proper Parties

Brooks v. Carson, 619

Standing

Brooks v. Carson, 619
Sechrest, Marriage of, *In re*, 1307

Physical or Mental Examinations

Condition in Controversy

Acosta v. Tenneco Oil Co., 1188

Pleadings

Adequacy

Deberry v. Sherman Hosp. Ass'n, 874
Lewis v. Fulwood, 156
Rauh v. Coyne, 1194

Amendment

Balistreri v. Pacifica Police Dep't, 272, 618
Clair Recreation Center, Inc. v. Flynn, 270

Demurrer

Brindis v. California Dep't of Transp. [44,977], 45

Preliminary Injunction

Brinkley v. Terry [46,346], 1156, 1376

Pretrial Conferences

Ford Motor Credit Co. v. Williams, 386

Private Right of Action

Brown v. Ledbetter [41,201], 129
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375
Griffin v. Federal Land Bank of Wichita [44,927], 854
Stewart v. Woods, 271

Racketeer Influenced and Corrupt Organizations Act

Patterson v. Bowest Corp. [45,953], 711

Remedies

Armstead v. Coler [41,148], 1195
Little Rock School Dist. v. Pulaski County Special School Dist., 61

Res Judicata

Behunin v. Jefferson County Dep't of Social Servs., 1204
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291
Johnson v. Herrington [45,637], 247
Maller v. Cohen [41,221], 247
Marcus v. Sullivan [38,704], 607
Massachusetts Dep't of Revenue v. LaFratta, 1306
Palmer v. Jordan [46,132], 1146

Ripeness

Association for Children for Enforcement of Support v. Conger, 386
Dessin v. Housing Auth. of Fort Myers [46,139], 1168
Goetz v. Crosson, 64
H., Lester v. Gilhool, 1195
Stevens v. Indiana Dep't of Pub. Welfare, 1398

Settlements

D., Jeff v. Andrus [37,341], 385

Standing to Sue

Association for Children for Enforcement of Support v. Conger, 386
Barletta v. Tedeschi [46,254], 1282
Benally v. Hodel, 1186
Bogard v. Kustra [43,370], 366
Brindis v. California Dep't of Transp. [44,977], 45
Coakley v. Sunn, 163
Davis v. Thornburgh [40,509], 836
Henne v. Wright, 618
M. v. Johnson, 1189, 1310
Maine Ass'n of Interdependent Neighborhoods v. Commissioner, Maine Dep't of Human Servs. [45,163], 389, 1194
Nelsen v. King County, 156
Village of Bellwood v. Dwivedi, 160
Wicker v. Wicker [45,869], 586

Statute of Limitations

Hovden, Marriage of, *In re*, 1396
Johnson v. Ladner, 869
Krug v. Imbordino, 156
Larsen v. NMU Pension Trust, 628
Lavery v. Marsh, 62
Maller v. Cohen [41,221], 247
Nunez v. Interstate Corporate Sys. [45,918], 1146, 1393
Reynolds v. Reynolds, 869
Stieberger v. Sullivan [38,839], 54, 754
Withey v. Perales [41,783], 382, 860, 1402

Computation of Time

Commonwealth Bank & Trust v. Winterberger, 1308

□ Section 1983

Dodrill v. Lorain County Sheriff, 878
Salisbury v. McWhorter, 1397
Shrader v. Hopkins, 878

□ Tolling

Canales v. Sullivan, 1203
Jewell v. County of Nassau, 1305
Yellow Freight Sys., Inc. v. Donnelly, 270

Stay

Clifford v. Jacobs, 868
Riley v. Alabama ex rel. White, 881
Robbins v. Robbins [46,114], 854, 1297

Pending Appeal

Brockton Family Counseling Center v. Phillips [45,634], 259
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375

Subpoenas

Issuance

Hodge v. Prince, 271

Substitution of Parties

Death

Glanz v. Vernick, 1309

Summary Judgments

Coleman v. Hairston [44,388], 724
Dynan v. Rocky Mountain Fed. Sav. & Loan [45,694], 248
Finney v. Baylor Medical Center Grapevine, 874

Guyton v. City of Alameda [44,257], 127, 373

Basis

Greene v. District of Columbia Dep't of Corrections [46,801], 583

Opposition

Ferguson v. Williams, 1191
Flagstaff Medical Center v. Sullivan [44,758], 126, 833

Temporary Restraining Order

Foster v. Johnson [45,736], 370

Transcripts

Richardson v. Henry, 617

Cost

Audet v. Koier [46,151], 1148
Schulz v. North Dakota Dep't of Human Servs. [45,391], 34
Wisconsin *ex rel.* Girouard v. Jackson County Circuit Court, 627

Indigents

Audet v. Koier [46,151], 1148
Schulz v. North Dakota Dep't of Human Servs. [45,391], 34
Wisconsin ex rel. Girouard v. Jackson County Circuit Court, 627

Venue and Transfer

Sellers v. United Home Food Distribs. (*In re* United Home Food Distrib.) [44,043], 1152
White v. Winston, 748
Williams v. Illinois State Scholarship Comm'n [42,518], 1148

Challenging

Stewart v. Woods, 271

Dismissal for Improper Venue

Stewart v. Woods, 271

Verdicts

Excessive

Smith v. Law Offices of Mitchell N. Kay [45,914], 1152, 1373

N.O.V.

Toombs v. Bell, 1200

Remittance

Smith v. Law Offices of Mitchell N. Kay [45,914], 1152, 1373

Special

Perez v. Perkiss [45,548], 35, 581

Waiver

B., T., *In re*, 390

As Affirmative Defense

Torrez v. Public Serv. Co. of N.M., 872
United States v. Nicely [45,639], 267

Statute of Limitations

Grant v. Sullivan [44,741], 33, 583, 1146

Writs

Erspamer v. Derwinski [45,615], 148
Smith v. Justice of the Peace Court No. 1 [45,348], 852, 1282

CIVIL RIGHTS

See also DUE PROCESS, EQUAL PROTECTION, PRIVACY

Curran v. Bosze [45,887], 835
Henne v. Wright, 618
Richardson v. City of South Euclid, 618

Damages

Nelson v. City of Chicago [45,182], 710

Due Process

Doe v. Milwaukee County, 625
M. v. Johnson, 1189, 1310
Metcalf v. County of Sutter, Cal. [46,187], 1174
Ramey v. Hawk, 276
United States Dep't of Labor v. Triplett, 270

Equal Protection

Ayers v. Allain, 157, 1192
Balistreri v. Pacifica Police Dep't, 272, 618
Doe v. Milwaukee County, 625
Illinois v. Adams [46,213], 1150, 1283
Kupona Network v. Chicago Transit Auth. [46,389], 1371
Leckelt v. Board of Comm'rs of Hosp. Dist. No. 1., 874
Paper v. Rent-A-Wreck, 1393
Pryor v. Brennan, 1199

First Amendment

Ali v. Dixon, 1199
Harris v. Evans, 1400
J. Roderick MacArthur Found. v. FBI [46,221], 1150
Krueckeberg v. Arlington Park Racetrack [46,338], 1373
Kupona Network v. Chicago Transit Auth. [46,389], 1371
Robbins v. Budke [45,784], 376
Young v. New York City Transit Auth., 157, 618

Freedom of Assembly

Miller v. North Morris Estates [46,277], 1283
Nelson v. City of Chicago [45,182], 710

Freedom of Association

J. Roderick MacArthur Found. v. FBI [46,221], 1150
Nelson v. City of Chicago [45,182], 710
Norton v. Cobb, 1189

Freedom of Religion

Cooper v. French, 1198
Hinrichs v. Goodrich [45,544], 58, 1282
Intercommunity Center for Justice & Peace v. INS, 968

Freedom of Speech

Kupona Network v. Chicago Transit Auth. [46,389], 1371
Mahoney v. Driscoll, 63
Miller v. North Morris Estates [46,277], 1283
Young v. New York City Transit Auth., 157, 618

Immunity

Croft v. Harder, 156
Hampton v. Tinder, 271
Howell v. City of Catoosa, 157
Magula v. Broward Gen. Medical Center, 1188

Search and Seizure

Burka v. New York City Transit Auth., 872, 1194, 1397
Faulkner v. McLocklin, 64
Henry v. Ryan [46,341], 1371
Hollywood Park Assocs. v. Morales [45,599], 142
Illinois v. Adams [46,213], 1150, 1283
Illinois v. St. John [46,371], 1372
Molinelli v. Tucker, 621
Ramey v. Hawk, 276
Walker v. Sumner, 1312

Section 1823

Simpson v. Hines, 627

Section 1981

Coleman v. Dow Chem. Co., 1193
Hayes v. Community Gen. Osteopathic Hosp., 274

Discrimination

Jackson v. McCleod, 1308
Weldon v. Kraft, Inc., 872
Williams v. Chase Manhattan Bank, N.A., 63

Section 1983

Abdul-Hakeem v. Koehler, 877
Balistreri v. Pacifica Police Dep't, 272, 618
Bannum, Inc. v. City of Ft. Lauderdale, 618
Behunin v. Jefferson County Dep't of Social Servs., 1204
Carelli v. Howser [44,748], 130, 243, 387, 715, 1375
Clifford v. Jacobs, 868
Davis v. Village of Calumet Park, 753
DeGidio v. Pung, 1392
Dodrill v. Lorain County Sheriff, 878
Doe v. Borough of Barrington, 157
Gilbert v. City of Cambridge, 1197
Hampton v. Tinder, 271
Johnson-El v. District of Columbia, 1200
M. v. Magnant [46,225], 732
Metcalf v. County of Sutter, Cal. [46,187], 1174
Mihalcik v. Lensink, 389
Miller v. North Morris Estates [46,277], 1283
Missouri v. Jenkins, 273
National Foods, Inc. v. Rubin, 1304
Nelsen v. King County, 156
Norton v. Cobb, 1189
Patel v. Thomas, 749
Roe v. Hamilton County Dep't of Human Servs., 1311
S., Timmy v. Stumbo [44,104], 1188
Salisbury v. McWhorter, 1397
Shaw v. Strackhouse, 1397
Snell v. Tunnell, 1393
Wright v. Sheppard, 1305
Zinermon v. Burch, 160

CLASS ACTION

See also CIVIL PROCEDURE

Actions Maintainable

Mosley v. Hairston [44,151], 56, 1387

Adequacy of Representation

Baylor v. HUD, 624, 1196
Comer v. Kemp [45,300], 728
Elder v. Coronet Ins. [45,977], 714
Fleet Mortgage Corp. v. Berry [45,686], 245
Glover v. Crestwood Lake Section 1 Holding Corp., 1197
Grant v. Sullivan [44,741], 33, 583, 1146
James v. D'Elia [46,142], 1149
McMullen v. Perales [44,358], 267
Nelsen v. King County, 156
Turner v. Chicago Hous. Auth. [45,851], 596

Class Definition

D., Jeff v. Andrus [37,341], 385
Hyatt v. Sullivan [35,159], 392
Kimble v. Hayes [45,823], 132
Marcus v. Sullivan [38,704], 607

▪ Federal Rule 23

County of Suffolk v. Long Island Lighting Co., 868
Kimble v. Hayes [45,623], 132

Management of Class Actions

Six Mexican Workers v. Arizona Citrus Growers [21,184], 627

Notice Requirements

Giles v. Housing Auth. of Frankfort [45,074], 257

▪ Judgments

Excess Class Funds

Six Mexican Workers v. Arizona Citrus Growers [21,184], 627

▪ Jurisdiction

Exhaustion of Administrative Remedies

Grant v. Sullivan [44,741], 33, 583, 1146

▪ Retroactive Relief

Armstead v. Coler [41,148], 1195

▪ Settlements

Baylor v. HUD, 624, 1196
Brady v. Sullivan [43,882], 156
County of Suffolk v. Long Island Lighting Co., 868
Giles v. Housing Auth. of Frankfort [45,074], 257
Grant v. Sullivan [44,741], 33, 583, 1146

▪ Statute of Limitations

Tolling

Corner v. Kemp [45,360], 728

COMMUNITY DEVELOPMENT

Smith v. Farmers & Citizens State Bank [46,292], 1284

▪ Housing

Elmwood Neighborhood Hous. Servs. v. Shartzer [45,547], 47
South San Francisco Hous. Action Comm. v. South San Francisco, Cal. [46,276], 1285
Southside Fair Hous. Comm. v. City of New York, 1307

CONSUMER

See also ATTACHMENT, AUTOMOBILES, CONTRACTS, GARNISHMENT, LIENS, REPOSSESSION, TRUTH IN LENDING

Chmill v. Friendly Ford-Mercury of Janesville, Inc., 385

▪ Breach of Warranty

Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129

▪ Burials

Prearrangement Plans

Vance v. Gaines & Sons Funeral Home [45,854], 585

▪ Collection Practices

Kendal v. Cason, 618
Murphy v. McCauley [46,088], 835, 1154
People's Bank v. Perkins, 868
Richardson v. Baker [40,719], 36
Wright v. Sheppard, 1305

Abuse of Process

Sellers v. United Home Food Distribs. (*In re* United Home Food Distrib.) [44,043], 1152
Williams v. Illinois State Scholarship Comm'n [42,518], 1148

Communication

Smith v. Law Offices of Mitchell N. Kay [45,914], 1152, 1373

Fair Debt Collection Practices Act

Holmes v. Telecredit Serv. [45,712], 360
Jordan v. Kent Recovery Servs., Inc., 271
Kolker v. Duke City Collection Agency [45,910], 1306
Little v. World Fin. Network [45,768], 1151
Nunez v. Interstate Corporate Sys. [45,916], 1146, 1393
Perez v. Perkiss [45,548], 35, 581
Smith v. Medical Credit Servs. [45,844], 245

□ **Abusive Notices**

Woolfolk v. Van Ru Credit Corp. [45,917], 1152

□ **Communication**

Clark v. Schwabe, Williamson & Wyatt [44,831], 128
Garrick v. Hospital Collection Servs. [44,838], 128
Ledesma v. Great Outdoor Am. Adventure [46,366], 1373
Little v. World Fin. Network [45,768], 1151
Read v. Amana Collection Servs. [46,356], 1374
Rosa v. Gaynor [44,830], 127
Smith v. Law Offices of Mitchell N. Kay [45,914], 1152, 1373
United States v. NCB Business Servs. [44,835], 128
Woolfolk v. Rubin [44,822], 127

□ **Deceptive Notices**

Cacace v. Lucas [44,842], 244
Little v. World Fin. Network [45,768], 1151
Rosa v. Gaynor [44,830], 127
United States v. NCB Business Servs. [44,835], 128
Woolfolk v. Van Ru Credit Corp. [45,917], 1152

□ **Error Defenses**

Garrick v. Hospital Collection Servs. [44,838], 128

□ **Notice Requirements**

Cacace v. Lucas [44,842], 244
Childrens' Hosp. of Akron v. Jones [45,776], 360
Clark v. Schwabe, Williamson & Wyatt [44,831], 128
Garrick v. Hospital Collection Servs. [44,838], 128
Ledesma v. Great Outdoor Am. Adventure [46,366], 1373
Montgomery v. Green [45,561], 128
Read v. Amana Collection Servs. [46,356], 1374
Woolfolk v. Rubin [44,822], 127

□ **Student Loans**

Woolfolk v. Rubin [44,822], 127

False and Misleading Statements

□ **Threat of Legal Action**

Cacace v. Lucas [44,842], 244
Ledesma v. Great Outdoor Am. Adventure [46,366], 1373
Rosa v. Gaynor [44,830], 127
United States v. NCB Business Servs. [44,835], 128
Woolfolk v. Rubin [44,822], 127

□ **Threat to Collect Attorney Fees**

Ledesma v. Great Outdoor Am. Adventure [46,366], 1373

Insufficient Fund Checks

Holmes v. Telecredit Serv. [45,712], 360

Sheriff as Collection Agency

Montgomery v. Green [45,561], 128

Statutory Damages

Cacace v. Lucas [44,842], 244

Unauthorized Practice of Law

Kolker v. Duke City Collection Agency [45,910], 1306

Unfair Practices

CIT Fin. Servs. v. Knowles [45,738], 362
Sellers v. United Home Food Distribs. (*In re* United Home Food Distrib.) [44,043], 1152

▪ Consumer Fraud Act

Mellon Bank v. Avinel [46,385], 1375
Patterson v. Bowest Corp. [45,953], 711

▪ Consumer Protection Act

Bagwell v. M. Kovens Co. [45,814], 586
Begley Home Health v. Merida [46,185], 1155
Briggs v. Carol Cars, Inc., 618
Ledesma v. Great Outdoor Am. Adventure [46,366], 1373

▪ Credit Practices

Candelaria v. Nissan Motor Acceptance [45,753], 712
Curry Corp. v. Mooro [45,753], 713
Smith v. Farmers & Citizens State Bank [46,292], 1284
United States v. General Elec. Capital [45,754], 710
United States v. Moore [45,755], 710

▪ Credit Reports

Libel and Negligence

Broom v. TRW Credit Data, 271

▪ Credit Sales

General Motors Acceptance Corp. v. Cooke [46,094], 835
Jensen v. Ray Kim Ford, Inc., 1393

Purchase Option of Rental Agreements

Starks v. Rent-A-Center [45,215], 361

▪ Credit Terms

CIT Fin. Servs. v. Knowles [45,738], 362
People's Bank v. Perkins, 868

▪ Damages

Honeywell v. Sterling Furniture Co., 1189
McDermott v. Western Union Tel. Co., 1189

Collection Practices

Nunez v. Interstate Corporate Sys. [45,916], 1146, 1393
Smith v. Law Offices of Mitchell N. Kay [45,914], 1152, 1373

▪ Debtor Harassment

People's Bank v. Perkins, 868

▪ Deceptive Practices

Begley Home Health v. Merida [46,185], 1155
CIT Fin. Servs. v. Knowles [45,738], 362
Elliott v. ITT Corp. [45,509], 36
Figueroa v. Market Training Inst. [43,212], 1159
Fleet Mortgage Corp. v. Berry [45,896], 245
McDermott v. Western Union Tel. Co., 1189
Molina v. Crown Business Inst. N.Y.C., Inc. [44,118], 1155

Evidence

Gadfield v. Ferris Chevrolet [46,361], 1374

▪ Default

Payne v. Federal Land Bank of Columbia, 1188
Security Pac. Hous. Servs. v. Horsey [45,778], 361
Whitehead v. Derwinski [43,805], 632

▪ Deficiency Judgment

Doering v. Sussex Trust Co. [46,188], 1154
Mellon Bank v. Avinel [46,385], 1375
Whitehead v. Derwinski [43,805], 632

Private Sales

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,866], 246

Discrimination

Paper v. Rent-A-Wreck, 1393
Prudential Ins. Co. v. Iowa Civil Rights Comm'n [39,889], 272
Shaumyan v. Sidetex Co., Inc., 386

Equal Credit Opportunity Act

Shaumyan v. Sidetex Co., Inc., 386
United States v. General Elec. Capital [45,754], 710
United States v. Moore [45,755], 710

Unfair Lending Practices of Banks

Smith v. Farmers & Citizens State Bank [46,292], 1284

Execution Sales

Ambrosia v. Yerage, 618

Fair Credit Reporting Act

Broom v. TRW Credit Data, 271
United States v. Moore [45,755], 710

Fraud and Misrepresentation

Begley Home Health v. Merida [46,185], 1155
Boykins v. Youngblood [46,189], 1171
Briggs v. Carol Cars, Inc., 618
Broom v. TRW Credit Data, 271
Couto v. Gibson, Inc. [45,780], 361
Dyer v. Quality Car & Truck Leasing [45,808], 585
Figueroa v. Market Training Inst. [43,212], 1159
Fleet Mortgage Corp. v. Berry [45,898], 245
Hale v. Basin Motor Co., 1189, 1393
Haynes v. Manning, 1305
Jensen v. Ray Kim Ford, Inc., 1393
McCall v. Jim Lynch Cadillac, Inc., 868
McDermott v. Western Union Tel. Co., 1189
Mellon Bank v. Avinel [46,365], 1375
Merchandise Nat'l Bank of Chicago v. Heard [45,832], 246
Molina v. Crown Business Inst. N.Y.C., Inc. [44,118], 1155
Rosario v. Livaditis [44,042], 31

Promotional Schemes

California v. ITT Consumer Fin. Corp. [45,588], 129
Ledesma v. Great Outdoor Am. Adventure [46,366], 1373

Home Improvement Contracts

Merchandise Nat'l Bank of Chicago v. Heard [45,832], 246

Deceptive Practices

Five Avco Fin. Servs. v. Dunbar [45,711], 362
Shaumyan v. Sidetex Co., Inc., 386

Truth in Lending Violations

Five Avco Fin. Servs. v. Dunbar [45,711], 362

Home Sales

Fleet Mortgage Corp. v. Berry [45,898], 245

Installment Sales

Bagwell v. M. Kovens Co. [45,614], 586
Burris v. First Fin. Corp., 618
Five Avco Fin. Servs. v. Dunbar [45,711], 362
Jensen v. Ray Kim Ford, Inc., 1393
Lewis v. Society Nat'l Bank [46,066], 835
Rowe v. Conners (*In re* Rowe) [45,528], 32
Security Pac. Hous. Servs. v. Horsey [45,778], 361
South Carolina *ex rel.* Hamm v. Chrysler Credit Corp. [45,861], 714

Sale of Repossessed Collateral

General Motors Acceptance Corp. v. Cooke [46,094], 835
Mellon Bank v. Avinel [46,365], 1375

Usury

CIT Fin. Servs. v. Knowles [45,738], 362
Starks v. Rent-A-Center [45,215], 361

Interest

Burris v. First Fin. Corp., 618

Joint Obligors

Montgomery v. Green [45,581], 128

Loans

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Eversole v. Central Fin. Servs. (*In re* Eversole) [46,183], 1152
First Nat'l Bank of Ada v. Aries [43,788], 1153
Hemauer v. ITT Fin. Servs. [45,761], 712
Kentucky Fin. v. Close [46,182], 1155
Merchandise Nat'l Bank of Chicago v. Heard [45,832], 246
Peters v. Bank of Horton [45,974], 718
Robinson v. Empire of Am. Realty Credit [45,978], 714
Whitehead v. Derwinski [43,805], 632

Disclosure of Credit Life and Disability Insurance

California v. ITT Consumer Fin. Corp. [45,588], 129
Elliott v. ITT Corp. [45,509], 36

Disposition of Collateral

California v. ITT Consumer Fin. Corp. [45,588], 129

Mobile Homes

Burris v. First Fin. Corp., 618

Repair

CIT Fin. Servs. v. Knowles [45,738], 362

Repossession

CIT Fin. Servs. v. Knowles [45,738], 362
Security Pac. Hous. Servs. v. Horsey [45,778], 361

Warranties

CIT Fin. Servs. v. Knowles [45,738], 362

Odometer Tampering

Haynes v. Manning, 1305

Product Quality Control

General Motors Corp. v. Abrams, 271
Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,888], 246

Remedies

Couto v. Gibson, Inc. [45,780], 361
Hale v. Basin Motor Co., 1189, 1393

Rental Agreements

Paper v. Rent-A-Wreck, 1393

Rent-to-Own

Starks v. Rent-A-Center [45,215], 361

Repossession

Doering v. Sussex Trust Co. [46,169], 1154
Dubose v. General Motors Acceptance Corp. [44,829], 127
Dyer v. Quality Car & Truck Leasing [45,808], 585
Jordan v. Kent Recovery Servs., Inc., 271
Lewis v. Society Nat'l Bank [46,066], 835

Rescission

Adams v. Nissan Motor Corp., 62
Begley Home Health v. Merida [46,185], 1155
Five Avco Fin. Servs. v. Dunbar [45,711], 362
Gadfield v. Ferris Chevrolet [46,361], 1374
Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008], 712
Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386
Stone v. Mehlberg, 61

Retail Installment Sales Act

CIT Fin. Servs. v. Knowles [45,738], 362

Revocation

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,888], 246

Security Interest

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Kentucky Fin. v. Close [46,182], 1155
Lewis v. Society Nat'l Bank [46,066], 835

Service Contracts

Griffin Sys. v. Ohio Dep't of Ins. [45,771], 1154
McDermott v. Western Union Tel. Co., 1189

Sheriff's Sale

Adequate Remedy at Law

Hardman v. Cain [46,288], 1293
Montgomery v. Green [45,581], 128

Unconscionability

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,888], 246

Unfair and Deceptive Trade Practices

Aitken v. Fleet Mortgage Corp. [45,741], 362
Boykins v. Youngblood [46,189], 1171
California v. Wilshire Computer College [46,309], 1285
Chalfin v. Beverly Enters. Inc., 878
Elder v. Coronet Ins. [45,977], 714
Elliott v. ITT Corp. [45,509], 36
Eversole v. Central Fin. Servs. (*In re* Eversole) [46,183], 1152
Honeywell v. Sterling Furniture Co., 1189
Kentucky Fin. v. Close [46,182], 1155
Molina v. Crown Business Inst. N.Y.C., Inc. [44,118], 1155
Patterson v. Bowest Corp. [45,953], 711
Robinson v. Empire of Am. Realty Credit [45,978], 714
Shaumyan v. Sidetex Co., Inc., 386
Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

Applicability to Automobile Sales

Couto v. Gibson, Inc. [45,780], 361
Gadfield v. Ferris Chevrolet [46,361], 1374
Hale v. Basin Motor Co., 1189, 1393
McCall v. Jim Lynch Cadillac, Inc., 868
Mellon Bank v. Avinel [46,365], 1375

Uniform Commercial Code

Sales

Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129

▪ Usury

CIT Fin. Servs. v. Knowles [45,738], 362
Grigsby v. Thorp Consumer Discount (*In re* Grigsby) [46,178], 1153
Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

▪ Warranties

Griffin Sys. v. Ohio Dep't of Ins. [45,771], 1154
Muzzy v. Chevrolet Div., Gen. Motors Corp., 272

Breach

CIT Fin. Servs. v. Knowles [45,738], 362
Dyer v. Quality Car & Truck Leasing [45,808], 585
Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129

Implied

Dyer v. Quality Car & Truck Leasing [45,808], 585

Magnuson-Moss Warranty Act

Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129
Motor Vehicle Mfrs. Ass'n v. Abrams, 386

Repairs

Adams v. Nissan Motor Corp., 62
New York v. Ford Motor Co., 62

CONTRACTS

See also CONSUMER

▪ Breach

Five Avco Fin. Servs. v. Dunbar [45,711], 362
Yawn v. Greelish [46,289], 1295

▪ Land Contracts

Hardman v. Cain [46,286], 1293

▪ Terms of Payment

General Motors Acceptance Corp. v. Cooke [46,094], 835

▪ Unconscionability

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,888], 246

▪ Unjust Enrichment

Yawn v. Greelish [46,289], 1295

CRIMINAL LAW AND PROCEDURE

See also EVIDENCE, PARDON AND PAROLE, PRISONS

▪ Bail

United States v. Gibbs [46,170], 1156

▪ Civil Damages

Hollywood Park Assocs. v. Diaz [45,604], 143

▪ Confessions

M., C.P., *In re*, 276

▪ Criminal Conversion Statute

White v. Indiana Realty Assocs. II, 752

▪ Drug Abuse

Bly, *In re*, 750

▪ Habeas Corpus

Robbins v. Christianson, 627

▪ Interrogation

Massachusetts v. A Juvenile [45,538], 48
Wisconsin v. Baeza, 756

▪ Search and Seizure

Griggs-Ryan v. Smith, 626
Henry v. Ryan [46,341], 1371
Hollywood Park Assocs. v. Diaz [45,604], 143
Summeries v. Chicago Hous. Auth. [46,004], 1291
United States v. Rangel-Navarro, 747
White v. Indiana Realty Assocs. II, 752

▪ Trial

Instructions

Kansas v. Rupert, 386
Richter v. Fairbanks, 747

Witnesses

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199

▪ Victims

Compensation

United States v. Grundhoefer [46,129], 1158

▪ Witnesses

Transportation

Longfellow v. Wyoming [46,304], 1284

DAY CARE

James v. D'Elia [46,142], 1149

▪ Discrimination

Howard v. City of Garland, 1305

DEPENDENT AND NEGLECTED CHILDREN

See also DIVORCE, DOMESTIC RELATIONS, JUVENILES

▪ Abandonment

B., C., *In re*, 1399
H., C.K., *In re*, 875
Hanson v. McGowan, 626
M., N., *In re*, 875
Pima County Juvenile Severance Action No. S-2710, Appeal in, *In re*, 751

▪ Adjudicatory Hearing

B., C., *In re*, 751
B., T., *In re*, 390

Due Process

A., *In re*, 876
Hampton v. Tinder, 271
S., *In re*, 1198

Evidentiary Rules

Oregon *ex rel.* Juvenile Dep't of Lincoln County v. Ashley, 747
Posner v. Dallas County Child Welfare Unit, 160

☐ Burden of Proof

B., B., *In re*, 626
H., N., *In re*, 156
J., Barbara, *In re*, 625
W., M.L., *In re*, 626

Right to Appointed Counsel

Tice v. Oklahoma [46,222], 1174

Timeliness

P., C., *In re*, 625

▪ Adoptive Homes

Griffith v. Johnston [44,036], 387
R., B.J., Adoption of, *In re*, 1198

▪ Child Abuse-Neglect

B., *In re* [46,287], 1294
D., *In re* [45,549], 47
Goldsmith v. Arkansas Dep't of Human Servs., 751
Morton v. Safeco Ins. Co., 751
N., P. v. Florida Dep't of Health & Rehabilitative Servs., 875
Roe v. Hamilton County Dep't of Human Servs., 1311
Rogers v. Rogers, 390
S., A., *In re*, 747
Smith v. Marshall, 751
Weller v. Department of Social Servs. for Baltimore, 625
Wright v. Virginia Dep't of Social Servs., 160

Care and Treatment

H., S., *In re*, 1191
W., M.L., *In re*, 626

Foster Homes

H. v. Johnson [45,092], 1148, 1294
H., K. v. Morgan [43,232], 1197

Hearing Procedures

Hough v. Hough, 1191
P., C., *In re*, 625

☐ Notice

Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197

Investigations

Baltimore City Dep't of Social Servs. v. Bouknight [45,027], 47
Decatur City Bd. of Educ. v. Aycock, 875
Doe v. Milwaukee County, 625
McCuen v. Polk County, Iowa, 64
Mendive v. Children's Servs. Div., 751

Jurisdiction

Marchant, *In re*, 751
Ned, *In re*, 626
S., *In re*, 1198

Parents' Liability

D. v. Illinois, 1311
S., J.L., *In re*, 876

Person Responsible for Child's Welfare

Decatur City Bd. of Educ. v. Aycock, 875
T., B., *In re*, 1311

Records

N., P. v. Florida Dep't of Health & Rehabilitative Servs., 875

Reporting Procedures

Doe v. Milwaukee County, 625
N., P. v. Florida Dep't of Health & Rehabilitative Servs., 875

Standards

D., I., *In re*, 1399
M., *In re*, 751
T., B., *In re*, 1311

▪ Child Support

Allred v. Allred, 1192
Antonelli v. Antonelli, 1192
Barnes v. McMahon [45,717], 363, 836
Becker County Welfare Dep't v. Bellcourt, 391
Bratcher, Paternity of, *In re*, 272
Brinkley v. Terry [45,345], 1156, 1376
Burrow v. Vrontikis, 273
Carroll County Dep't of Social Servs. v. Edelmann, 869
Carter v. Morrow, 1395
Couch v. Alaska, 1190
Department of Human Servs. v. Roy [46,382], 1376
Esteb v. Enright [45,891], 717, 1156
Fairrow v. Fairrow, 1306
Guidelines for Child Support Enforcement, *In re*, 387
Hannum, Marriage of, *In re*, 1191
Hanthorn v. Hanthorn, 1190
Higgins v. Hood [46,143], 1157
Jackson v. Rapps, 1189
Kansas v. Rupert, 386
Kansas Sec'y of Social & Rehabilitation Serv. v. Clear, 876
Lapeer County Dep't of Social Servs. v. Harris, 388
Mead v. Batchlor [44,214], 1190
Nelson v. Nelson [45,727], 363
Taylor v. Wettstein, 1189
Traylor v. Burns, 272
Ward v. Marturano, 871
Weaver v. Chester, 870
Werre v. Washington Dep't of Social & Health Servs. [46,281], 1285

Inability to Pay

Roberts v. Roberts [45,582], 131

Nonpayment

◻ Contempt

Roberts v. Roberts [45,582], 131

▪ Custody

B., T., *In re*, 390
M. v. Johnson, 1189, 1310
Upmann v. Terhark, 870
Williams v. Florida Dep't of Health & Rehabilitation, 1399

Attorney Fees

Louisiana *ex rel.* H.L.D. v. C.D.M., 876

Child Abuse-Neglect

D. v. Illinois, 1311
Garza v. Texas Dep't of Human Servs., 1192
Goldsmith v. Arkansas Dep't of Human Servs., 751
H., S., *In re*, 1191
Hough v. Hough, 1191
Kaywood v. Halifax County Dep't of Social Servs., 876
L., L. *In re*, 1190
M., *In re*, 390
Marchant, *In re*, 751
Mendive v. Children's Servs. Div., 751
Roe v. Hamilton County Dep't of Human Servs., 1311
Smith v. Marshall, 751
T., B., *In re*, 1311

Decree Modification

Boschert v. Boschert, 1191
Carter v. Arnett, 1191
Hough v. Hough, 1191

Deprived Parents

G., *In re* [45,833], 262, 601
H., C.K., *In re*, 875
S., A., *In re*, 747

Financial Responsibility

Florida Dep't of Health & Rehabilitative Servs. *ex rel.* W. Va. Dep't of Human Servs., Div. of Social Servs. v. Thornton, 1394
G., *In re* [45,833], 262, 601

Foster Parents

L., Marcia, *In re*, 156
McCutcheon v. Charleston County Dep't of Social Servs., 1192
Solomon v. Lewis, 1191

Grandparents

Arrington v. Hand, 157
B., C., *In re*, 751
Carter v. Arnett, 1191
Hanson v. McGowan, 626
Jones v. Jones [45,782], 364
Larson v. Dunn, 1190
M., Caroline, *In re*, 751
M., M., *In re*, 272
McCutcheon v. Charleston County Dep't of Social Servs., 1192
Oliveri, *In re* [46,374], 1383
Rogers v. Rogers, 390
W., C.M. v. C.W., 390
White v. Thompson, 1399
Wicker v. Wicker [45,869], 588

Handicapped Persons

E. v. Martinez [45,828], 589

◻ Psychiatric Examinations

M., R., *In re*, 626

Interest of Child

B., B., *In re*, 626
B., P.A., *In re*, 390
Florida Dep't of Health & Rehabilitative Servs. *ex rel.* W. Va. Dep't of Human Servs., Div. of Social Servs. v. Thornton, 1394
G., *In re* [46,004], 732
H., S., *In re*, 1191
M., *In re*, 390
M., Caroline, *In re*, 751
McCutcheon v. Charleston County Dep't of Social Servs., 1192
Oregon *ex rel.* Juvenile Dep't of Benton County v. Pennington, 1399
Pittman v. Jones, 748
S. v. Smith, 1311
S., A., *In re*, 64
Van Hoose v. Van Hoose [45,718], 364

Interference in Parents' Rights

Delaware Div. of Child Protective Servs. v. Selby [46,097], 851, 1383
Hampton v. Tinder, 271
Larson v. Dunn, 1190
Mendive v. Children's Servs. Div., 751
S., B.G., Adoption of, *In re*, 157
Winston v. Children & Youth Servs. of Delaware County, 1311

Involuntary Removal

D., *In re* [45,549], 47
McCuen v. Polk County, Iowa, 64
Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197
Norman v. Johnson [44,485], 374
Snell v. Tunnell, 1393
Weller v. Department of Social Servs. for Baltimore, 625

Joint Custody

Oregon *ex rel.* Sonoma County, Cal. v. Contreras, 620

Jurisdiction

Florida Dep't of Health & Rehabilitative Servs. *ex rel.* W. Va. Dep't of Human Servs., Div. of Social Servs. v. Thornton, 1394
Hanson v. McGowan, 626
Marchant, *In re*, 751
Ned, *In re*, 626
Phillips, *In re*, 626
S., *In re*, 1196
Solomon v. Lewis, 1191
V., S.A., *In re*, 1393

Mental Health of Parents

A., D.J., *In re*, 868
B., *In re* [46,287], 1294
D., J.W., *In re*, 751
D., J.W., *In re*, 876
Gunter v. Oklahoma [46,224], 1173
Gwendolyn, Adoption of, *In re*, 876
S., J.L., *In re*, 876
T., C., *In re*, 1399
Tennessee Dep't of Human Servs. v. Smith, 272

Minors' Rights

Hough v. Hough, 1191
Marchant, *In re*, 751

Parents' Rights

M. v. Magnant [45,225], 732
Maher v. White [46,298], 1383
Norman v. Johnson [44,485], 374
Van Hoose v. Van Hoose [45,718], 364

◻ Notice of Hearing

A., *In re*, 876
Bider v. Children & Youth Servs. of Delaware County [42,317], 1294

◻ Rehabilitative Services

Bersin, *In re* [45,883], 733
Delaware Child Protective Servs. v. Johnson [45,578], 141, 851
Ezekiel v. Department of Human Resources, 875

◻ Right to Counsel

Odoms v. Batts, 876

◻ Right to Hearing

Barnes v. Fucci, 870
Weller v. Department of Social Servs. for Baltimore, 625

◻ Service of Process

A., *In re*, 876

◻ Visitation Rights

Bider v. Children & Youth Servs. of Delaware County [42,317], 1294
Fenoff v. Fenoff, 870
Kerns v. Southern, 1307
Winston v. Children & Youth Servs. of Delaware County, 1311

Placement

B., F., *In re*, 1399

Reunification Services

B., *In re* [46,287], 1294
C., L., *In re*, 751
Delaware Child Protective Servs. v. Johnson [45,578], 141, 851
Delaware Div. of Child Protective Servs. v. Selby [46,097], 851, 1383
Department of Social Servs. v. Johnson, 876
G., *In re* [45,833], 262, 601
Goldsmith v. Arkansas Dep't of Human Servs., 751
H., K., *In re*, 1311
L., *In re* [45,570], 262
Patterson v. R.T., 271
Patterson v. T. [43,388], 33
W., L.N., *In re*, 752

Stepparents

Pizano-Varela v. Gomez, 1396

Temporary Placement

B., M.R.D., Parental Placement of, *In re*, 391

G., *In re* [48,004], 732
L., *In re* [45,670], 262
Murray, *In re*, 875

Termination of Parental Rights

B., B. v. Colorado, 64
B., C., *In re*, 751
B., T., *In re*, 390
C., L., *In re*, 751
D., J.L., *In re*, 876
Doe, J., *In re*, 1198
Florida Dep't of Health & Rehabilitative Servs. v. Morley, 1394
Kaywood v. Halifax County Dep't of Social Servs., 876
L., Marcia, *In re*, 156
M., R., *In re*, 626
Montgomery, *In re*, 1198
Oregon *ex rel.* Juvenile Dep't of Lincoln County v. Ashley, 747
P., *In re*, 1198
R., B.J., Adoption of, *In re*, 1198
S., J.L., *In re*, 876
Utah *ex rel.* L.D.S. v. Stevens, 1198
W., L.N., *In re*, 752
W., T., *In re*, 386

□ **Burden of Proof**

A., D.J., *In re*, 868
J., Barbara, *In re*, 625
M., Caroline, *In re*, 751
P., *In re* [45,842], 602
P., D.S., *In re*, 877
Posner v. Dallas County Child Welfare Unit, 160
Wright v. Virginia Dep't of Social Servs., 160

□ **Evidentiary Standard**

B., P.A., *In re*, 390
Garza v. Texas Dep't of Human Servs., 1192
Gunter v. Oklahoma [48,224], 1173
L., B., *In re*, 1399
L., L. *In re*, 1190
Louisiana *ex rel.* H.L.D. v. C.D.M., 876
M., A., *In re*, 627
Oregon *ex rel.* Juvenile Dep't of Benton County v. Pennington, 1399
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Dahl, 1392
T., A., *In re*, 751

□ **Failure to Provide for Future of Child**

D., J.W., *In re*, 751
McCutcheon v. Charleston County Dep't of Social Servs., 1192
P., *In re* [45,842], 602
S. v. Smith, 1311

□ **Failure to Support**

H., C.K., *In re*, 875
Pima County Juvenile Severance Action No. S-2710, Appeal in, *In re*, 751
V., D.J., Adoption of, *In re*, 1190

□ **Grounds**

A., J., *In re*, 625
Garza v. Texas Dep't of Human Servs., 1192
L., B., *In re*, 1399
L., D. v. D.L., 1399
M., *In re*, 390
M., *In re*, 751
Mason v. Dallas County Child Welfare Unit of Tex. Dep't of Human Servs., 1192
W., M.L., *In re*, 626

□ **Handicapped Parents**

A., J., *In re*, 625
B., P.A., *In re*, 390
D., I., *In re*, 1399
D., J.W., *In re*, 751
D., J.W., *In re*, 876
Gwendolyn, Adoption of, *In re*, 876
H., C.K., *In re*, 875
M., R., *In re*, 626
T., C., *In re*, 1399
Tennessee Dep't of Human Servs. v. Smith, 272

□ **Jurisdiction**

Carroll County Dep't of Social Servs. v. Edelmann, 869

□ **Right to Counsel**

A., *In re*, 876
New Jersey Div. of Youth & Family Servs. v. D.C. & M.C., 385
Odoms v. Batts, 876
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Geist [48,123], 1174
Posner v. Dallas County Child Welfare Unit, 160
Steven, *In re*, 160
Zockert v. Fanning [48,288], 1284

□ **Right to Treatment as Family Unit**

B., *In re* [48,287], 1294
H., K., *In re*, 1311
Norman v. Johnson [44,465], 374

□ **Standard of Proof**

B., B., *In re*, 626
Ezekiel v. Department of Human Resources, 875
L., D. v. D.L., 1399
Oregon *ex rel.* Juvenile Dep't of Benton County v. Pennington, 1399
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Dahl, 1392
T., A., *In re*, 751

□ **Sufficiency of Evidence of Fitness**

Goldsmith v. Arkansas Dep't of Human Servs., 751
Mason v. Dallas County Child Welfare Unit of Tex. Dep't of Human Servs., 1192
Oregon *ex rel.* Juvenile Dep't of Benton County v. Pennington, 1399
P., E.P., Adoption of, *In re*, 1191
Syck, Adoption of, *In re*, 1306
T., A., *In re*, 751
Wright v. Virginia Dep't of Social Servs., 160

□ **Unfitness by Reason of Depravity**

H., C.K., *In re*, 875
P., *In re* [45,842], 602
S. v. Smith, 1311
Smith v. Marshall, 751
W., M.L., *In re*, 626

Transfers

Bixler v. Children & Youth Servs. of Delaware County [42,317], 1294
Phillips, *In re*, 626

Uniform Child Custody Jurisdiction Act

L., D. v. D.L., 1399

Unwed Fathers

Boschert v. Boschert, 1191
Richmond v. Tecklenberg, 1192
S., B.G., Adoption of, *In re*, 157

Visitation Rights

Bixler v. Children & Youth Servs. of Delaware County [42,317], 1294
Fenoff v. Fenoff, 870
Gwendolyn, Adoption of, *In re*, 876
Jones v. Jones [45,782], 364
Kerns v. Southern, 1307
V., S.A., *In re*, 1393

▪ Dependency Proceeding

Delaware Child Protective Servs. v. Johnson [45,578], 141, 851
Delaware Div. of Child Protective Servs. v. Selby [46,097], 851, 1383
Murray, *In re*, 875
Williams v. Florida Dep't of Health & Rehabilitation, 1399

Standard of Proof

M., N., *In re*, 875

▪ Foster Care

M. v. Magnant [46,225], 732
Maher v. White [46,298], 1383

Monitoring

□ **State Agencies**

H. v. Johnson [45,092], 1148, 1294

Placement

City & County of San Francisco v. McMahon [45,777], 374
H. v. Johnson [45,092], 1148, 1294

□ **Negligence**

H., K. v. Morgan [43,232], 1197
Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197

Relative Responsibility

City & County of San Francisco v. McMahon [45,777], 374

Visitation Rights

Gwendolyn, Adoption of, *In re*, 876

▪ Foster Parents

L., Marcia, *In re*, 156
S., Timmy v. Stumbo [44,104], 1188
Solomon v. Lewis, 1191

▪ Interstate Compact on Placement of Children

Florida Dep't of Health & Rehabilitative Servs. *ex rel.* W. Va. Dep't of Human Servs., Div. of Social Servs. v. Thornton, 1394

▪ Parents

D., I., *In re*, 1399

Drug Abuse

D., J.W., *In re*, 876
Department of Social Servs. v. Johnson, 876
M., *In re*, 751
Oregon *ex rel.* Juvenile Dep't of Lincoln County v. Ashley, 747
Rogers v. Rogers, 390
S. v. Smith, 1311

Prisoners

D., J.L., *In re*, 876
Kaywood v. Halifax County Dep't of Social Servs., 876
Odoms v. Batts, 876
Pima County Juvenile Severance Action No. S-2710, Appeal in, *In re*, 751

Rehabilitative Services

C., L., *In re*, 751
Department of Social Servs. v. Johnson, 876
Ezekiel v. Department of Human Resources, 875
G., *In re* [45,833], 262, 601
Goldsmith v. Arkansas Dep't of Human Servs., 751
H., C.K., *In re*, 875

Rights

P., *In re*, 1198
P., C., *In re*, 625
Steven, *In re*, 160

□ **Right to Copies of Records and Reports**

Bixler v. Children & Youth Servs. of Delaware County [42,317], 1294
Maher v. White [46,298], 1383

□ **Right to Counsel**

Odoms v. Batts, 876
Posner v. Dallas County Child Welfare Unit, 160

Violation of Civil Rights

Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197
P., C., *In re*, 625
Steven, *In re*, 160
Winston v. Children & Youth Servs. of Delaware County, 1311

▪ Rehabilitative Services

Bersin, *In re* [45,893], 733

▪ Right to Counsel

Odoms v. Batts, 876
Steven, *In re*, 160

▪ Substitute Parents

Pittman v. Jones, 748

▪ Visitation Rights

Fenoff v. Fenoff, 870
Gwendolyn, Adoption of, *In re*, 876
Jones v. Jones [45,782], 364
Kerns v. Southern, 1307
Pittman v. Jones, 748
Robbins v. Robbins [46,114], 854, 1297
Winston v. Children & Youth Servs. of Delaware County, 1311

Reduction

Bixler v. Children & Youth Servs. of Delaware County [42,317], 1294

DIVORCE

See also DOMESTIC RELATIONS

Fern v. United States, 868

▪ Alimony

Gianakas v. Gianakas, 1305
Hicks v. Hicks, 1396
Kim v. Kim, 871
Richards v. Richards [45,877], 716
Weberg v. Weberg, 1396

Modification

Pimm v. Pimm, 1395
Sanders v. Sanders, 1307
Williams v. Williams, 748

Nonpayment

◻ Contempt

Scott, Marriage of, *In re*, 871
Williams v. Williams, 748

Retirement Benefits

Love v. Love [45,853], 582, 1146
Pimm v. Pimm, 1395
Warren v. Warren, 1395
Williams v. Williams, 748

▪ Child Support

Association for Children for Enforcement of Support v. Conger, 386
Chamberlain v. Chamberlain, 620
Esteb v. Enright [45,991], 717, 1156
Florida Dep't of Health & Rehabilitative Servs. v. Morley, 1394
Kim v. Kim, 871
Nelson v. Nelson [45,727], 363
Stamper v. Worford, 1396
Williams v. Williams [45,328], 587

Accrued Temporary Support

◻ AFDC Recipients

Jackson v. Rapps, 1189

Age of Minority

Hewitt, Marriage of, *In re*, 748
Ware v. Ware, 620
Washington *ex rel.* Gibson v. Gibson, 1395

Appointment of Counsel

Higgins v. Hood [46,143], 1157
Thaysen v. Thaysen, 748

Attorney Fees

Glatz v. Glatz, 388

Cost-of-Living Adjustment

Werre v. Washington Dep't of Social & Health Servs. [46,281], 1285

Criminal Non-Support Statute

Couch v. Alaska, 1190
Kansas v. Rupert, 386

Enforcement

Barnes v. McMahon [45,717], 363, 836
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375
Florida *ex rel.* Pittman v. Stanjeski, 869
Georgia Dep't of Human Resources v. Pernice, 1393
Gibson v. Bennett, 748
Guidelines for Child Support Enforcement, *In re*, 387
Hammock v. Bencini [46,027], 717
Holland, *Ex parte*, 748
Hovden, Marriage of, *In re*, 1396
Lenz v. National Labor Relations Bd., 1189
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376
Ohio Dep't of Human Servs. v. HHS [46,379], 1387
Pittman v. Taft [46,014], 715
Robbins v. Robbins, 871

Inability to Pay

Alabama Dep't of Human Resources v. Haney, 1394
Fillicetti v. Fillicetti, 1395
Jerome v. Jerome, 1395
Scott, Marriage of, *In re*, 871

Modification

Antonelli v. Antonelli, 1192
Barson v. Washington Dep't of Social & Health Servs., 871
Cardwell v. Gwaltney, 871
Catlett v. Catlett, 1307
Channell, Marriage of, *In re*, 1190
Davidson v. Davidson, 388
Georgia *ex rel.* Harrell v. Harrell, 618
Guidelines for Child Support Enforcement, *In re*, 387
Hannum, Marriage of, *In re*, 1191
Kaplon v. Harris, 387
Karypis v. Karypis, 871
Nielsen, Marriage of, *In re*, 870
Straus v. Straus, 747
Taylor v. Wettstein, 1189
Thaysen v. Thaysen, 748
Traylor v. Burns, 272
Ward v. Marturano, 871
Ware v. Ware, 620

Nonpayment

Casey, Marriage of, *In re*, 748
Georgia Dep't of Human Resources v. Pernice, 1393

◻ Contempt

Anderson v. Worden, 1188
Duncan, *In re*, 1396
Georgia *ex rel.* Harrell v. Harrell, 618
Gibson v. Bennett, 748
Kula v. Iowa Dist. Court for Linn County, 1395
Scott, Marriage of, *In re*, 871
Thorlaksen v. Thorlaksen, 387

◻ Imprisonment

Anderson v. Worden, 1188
Cardwell v. Gwaltney, 871
Couch v. Alaska, 1190
Jerome v. Jerome, 1395

◻ Right to Counsel

Kula v. Iowa Dist. Court for Linn County, 1395

Reduction

Alabama Dep't of Human Resources v. Haney, 1394
Antonelli v. Antonelli, 1192
Davidson v. Davidson, 388
Florida Dep't of Health Servs. v. Porbansky, 1394
Karypis v. Karypis, 871
Matthews v. Washington State Dep't of Social & Health Servs. [45,878], 248
Thorlaksen v. Thorlaksen, 387

◻ Welfare Recipients

Higgins v. Hood [46,143], 1157
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376

Reimbursement to Welfare Agency

Higgins v. Hood [46,143], 1157
Jackson v. Rapps, 1189
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376
Oregon *ex rel.* Sonoma County, Cal. v. Contreras, 620

Retirement Benefits

Bradley v. Holmes, 748
Catlett v. Catlett, 1307

Termination

Bradley v. Holmes, 748
Brown v. Brown, 1394
Fairrow v. Fairrow, 1306

Uniform Reciprocal Enforcement of Support Act

Casey, Marriage of, *In re*, 748
Florida Dep't of Health Servs. v. Porbansky, 1394
Taylor v. Wettstein, 1189
Washington *ex rel.* Gibson v. Gibson, 1395
Williams v. Williams, 62

▪ Community Property

Bowden v. Bowden, 869
Newman v. Teigeler, 386
Rearden v. Rearden, 1395
Sanderfoot, *In re*, 385
Simanonok v. Simanonok, 1305

▪ Custody

Crane v. Crane, 386
Oregon *ex rel.* Sonoma County, Cal. v. Contreras, 620
Thorlaksen v. Thorlaksen, 387
Wicker v. Wicker [45,889], 588
Zummo v. Zummo, 620

Change of Custody

Boschert v. Boschert, 1191
Carter v. Arnett, 1191
Favaloro v. Cooper, 871
Lydic v. Manker [46,166], 620, 1158
Mercer v. Mercer, 620
Nichols v. Nichols, 870
Richmond v. Tecklenberg, 1192
Taylor v. Taylor, 870

Child Snatching

Corry v. Corry, 1394
Curtis v. Curtis, 387
Weirich v. Weirich, 1396

Determination of Custody

Brooks v. Carson, 619
Burton v. Burton [45,554], 131
Favaloro v. Cooper, 871
Fox v. Fox, 619
Harper v. Harper, 388
Lewelling v. Lewelling [46,092], 836
Loudermilk v. Loudermilk, 1394
Maeda v. Maeda, 870
Pettinato v. Pettinato, 1306
Sechrest, Marriage of, *In re*, 1307
Van Hoose v. Van Hoose [45,716], 364

Hearings

Hough v. Hough, 1191

Interstate Conflicts

Bhatti, *In re*, 620
E., L., *In re*, 870
Escudero v. Henry, 1306
Hopper v. Hopper, 619
Kennedy v. Kennedy, 748
Klose v. Klose, 869
Lydic v. Manker [46,198], 620, 1158
Mercer v. Mercer, 620

Modification of Child Support

Allred v. Allred, 1192

Racial Identification

Burton v. Burton [45,554], 131

Stepparents' Rights

Pettinato v. Pettinato, 1306
Pizano-Varela v. Gomez, 1396
Preston v. Mercieri, 619

Uniform Child Custody Jurisdiction Act

Lydic v. Manker [46,198], 620, 1158

☐ Jurisdiction

Bhatti, *In re*, 620
E., L., *In re*, 870
Escudero v. Henry, 1306
Kennedy v. Kennedy, 748
Klose v. Klose, 869

▪ Hearings

Kim v. Kim, 871

▪ Jurisdiction

Economou v. Economou, 1191
Gibson v. Bennett, 748
Straus v. Straus, 747

▪ Paternity

Byrd v. Leavitt [45,848], 586
Denbow v. Harris, 1394
Fairrow v. Fairrow, 1306
Pettinato v. Pettinato, 1306
Reynolds v. Reynolds, 869

▪ Property Division

Bush v. Taylor, 155, 1187
Christmas v. Christmas, 387
Economou v. Economou, 1191
Kirk v. Kirk, 869
Loudermilk v. Loudermilk, 1394
Parks, Marriage of, *In re*, 870
Richards v. Richards [45,877], 716
Smith v. Smith, 1394
Warren v. Warren, 1395
Weberg v. Weberg, 1396
Wright, Marriage of, *In re*, 620

▪ Separate Maintenance

Love v. Love [45,853], 582, 1146

▪ Spousal Abuse

Lewelling v. Lewelling [46,092], 836

Visitation Rights

Vogt v. Vogt, 619

▪ Visitation Rights

Robbins v. Robbins [46,114], 854, 1297

Contempt

Chavarria v. Jackson, 387
Hopper v. Hopper, 619
Lowe v. Lowe, 619

Denial

Norton v. Cobb, 1189
Shoemaker v. Shoemaker, 870

Modification

Fenoff v. Fenoff, 870
Worley v. Whiddon, 1395

Nonparents

Cantu v. Cantu, 1307
Davisson, Marriage of, *In re*, 1991
Jones v. Jones [45,782], 364
Muse v. Hutchins, 748
Preston v. Mercieri, 619
Shoemaker v. Shoemaker, 870

Sexual Abuse

Norton v. Cobb, 1189

▪ Wage Assignment

Robbins v. Robbins, 871
Wyant, Marriage of, *In re*, 620

DOMESTIC RELATIONS

See also ADOPTION, DEPENDENT AND NEGLECTED CHILDREN, DIVORCE, ILLEGITIMATE CHILDREN

Breuer v. Poe, 1190
Bukics v. Bukics, 273
Kemph v. Nolan, 1191
M., John v. Paula T., 387

▪ Antenuptial Agreement

Zummo v. Zummo, 620

▪ Child Support

Association for Children for Enforcement of Support v. Conger, 386
Bradley v. Division of Child Support Enforcement, 1306
Brown v. Brown, 1394
County of Pine v. Petersen, 394
Davidson v. Davidson, 388
Department of Human Resources v. Brown, 1307
Fairrow v. Fairrow, 1306
Florida Dep't of Health & Rehabilitative Servs. v. Savage, 1394
Glatz v. Glatz, 388
Hammock v. Bencini [46,027], 717
Hannum, Marriage of, *In re*, 1191
Higgins v. Hood [46,143], 1157
Holland, *Ex parte*, 748
Jackson v. Rapps, 1189
Kaplon v. Harris, 387
Kelley v. Commissioner, Me. Dep't of Human Servs. [46,018], 744, 1185
Lapeer County Dep't of Social Servs. v. Harris, 388
Matthews v. Washington State Dep't of Social & Health Servs. [45,679], 248
Newman v. Newman, 272
Nielsen, Marriage of, *In re*, 870
Pittman v. Taft [46,014], 715
Thaysen v. Thaysen, 748
Ward v. Marturano, 871
Watson v. Hampton, 1395
Weaver v. Chester, 870
Wellman v. Department of Human Servs. [45,707], 381
Werre v. Washington Dep't of Social & Health Servs. [46,281], 1285

Collection

Barnes v. McMahon [45,717], 363, 836
Barson v. Washington Dep't of Social & Health Servs., 871
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375
Department of Health & Rehabilitative Servs. v. Blue, 868
Division of Child Support Enforcement v. Barrows, 272
Georgia Dep't of Human Resources v. Pernice, 1393
Hovden, Marriage of, *In re*, 1396
Howe v. Ellenbecker [45,531], 36
Johnston v. Johnston, 387
Lenz v. National Labor Relations Bd., 1189
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376
Ohio Dep't of Human Servs. v. HHS [46,379], 1387
Oregon *ex rel.* Sonoma County, Cal. v. Contreras, 620
Robbins v. Robbins, 871
Smith v. Alaska Dep't of Revenue, 747
Wyant, Marriage of, *In re*, 620

Nonpayment

Alabama Dep't of Human Resources v. Haney, 1394
Barson v. Washington Dep't of Social & Health Servs., 871
Casey, Marriage of, *In re*, 748
Division of Child Support Enforcement v. Barrows, 272
Florida *ex rel.* Pittman v. Stanjeski, 869
Georgia Dep't of Human Resources v. Pernice, 1393
Johnston v. Johnston, 387
Robbins v. Robbins, 871

☐ Contempt

Anderson v. Worden, 1188
Duncan, *In re*, 1396
Esteb v. Enright [45,991], 717, 1156
Garcia v. Garcia, 619
Gibson v. Bennett, 748
Jerome v. Jerome, 1395
Kula v. Iowa Dist. Court for Linn County, 1395
Mead v. Batchlor [44,214], 1190
Roberts v. Roberts [45,582], 131
Thorlaksen v. Thorlaksen, 387
Wisconsin *ex rel.* A. v. S., 749

☐ Imprisonment

Anderson v. Worden, 1188
Cardwell v. Gwaltney, 871
Couch v. Alaska, 1190
Johnson v. O'Neil, 1307
Kansas v. Rupert, 386

☐ Right to Counsel

Kula v. Iowa Dist. Court for Linn County, 1395
Mead v. Batchlor [44,214], 1190

Parents' Responsibility

Allred v. Allred, 1192
Antonelli v. Antonelli, 1192
Barnes v. Fucci, 870
Carroll County Dep't of Social Servs. v. Edelmann, 869
Carter v. Morrow, 1395
Hanthorn v. Hanthorn, 1190
Hewitt, Marriage of, *In re*, 748
Johnson v. O'Neil, 1307
Kansas Sec'y of Social & Rehabilitation Serv. v. Clear, 876
Karypis v. Karypis, 871

Oregon *ex rel.* Sonoma County, Cal. v. Contreras, 620
Reynolds v. Reynolds, 869
Traylor v. Burns, 272
Washington *ex rel.* Gibson v. Gibson, 1395
Williams v. Williams [45,328], 587

Retirement Benefits

Bradley v. Holmes, 748
Childerson v. Hess, 748

Uniform Reciprocal Enforcement of Support Act

Barnes v. McMahon [45,717], 363, 836
Casey, Marriage of, *In re*, 748
Esteb v. Enright [45,991], 717, 1156
Florida Dep't of Health Servs. v. Porbansky, 1394
Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734], 365
Guidelines for Child Support Enforcement, *In re*, 387
Taylor v. Wettstein, 1189
Washington *ex rel.* Gibson v. Gibson, 1395
Williams v. Williams, 62

Voluntary Relinquishment of

Kansas Sec'y of Social & Rehabilitation Serv. v. Clear, 876

▪ Counseling Services

Fenoff v. Fenoff, 870

▪ Custody

Arrington v. Hand, 157
Bates v. Johnson [38,270], 359
Garza v. Texas Dep't of Human Servs., 1192
Harper v. Harper, 388
Hopper v. Hopper, 619
Johnston v. Johnston, 387
L., L. *In re*, 1190
Lewelling v. Lewelling [46,082], 836
Loudermilk v. Loudermilk, 1394
M., M., *In re*, 272
McCutcheon v. Charleston County Dep't of Social Servs., 1192
Michael v. Swords, 1394
Pittman v. Jones, 748
Pizano-Varela v. Gomez, 1396
Sechrest, Marriage of, *In re*, 1307
Tennessee Dep't of Human Servs. v. Smith, 272
Thorlaksen v. Thorlaksen, 387
Van Hoose v. Van Hoose [45,716], 364
W., C.M. v. C.W., 390
Wicker v. Wicker [45,889], 588
Zummo v. Zummo, 620

Change

Boschert v. Boschert, 1191
Brooks v. Carson, 619
Campbell v. Alpers, 749
Carter v. Arnett, 1191
Curtis v. Curtis, 387
Favaloro v. Cooper, 871
H., S., *In re*, 1191
Hough v. Hough, 1191
Maeda v. Maeda, 870
Mercer v. Mercer, 620
Nichols v. Nichols, 870
Petru v. Bass, 620
Richmond v. Tecklenberg, 1192
Taylor v. Taylor, 870
Thirsk v. Thornton [46,081], 837
White v. Thompson, 1399

Child Snatching

Weirich v. Weirich, 1396

Jurisdiction

Biel, *In re* [46,152], 1157
Bliuvas v. Biel [46,153], 1157
Campbell v. Alpers, 749
E., L., *In re*, 870
Escudero v. Henry, 1306
Kennedy v. Kennedy, 748
Klose v. Klose, 869
Larson v. Dunn, 1190
Lydic v. Manker [46,196], 620, 1158
Maeda v. Maeda, 870
Petru v. Bass, 620
Rogers v. Janzen, 61
Solomon v. Lewis, 1191

Sexual Abuse

M., *In re*, 390

Uniform Child Custody Jurisdiction Act

Bhatti, *In re*, 620
E., L., *In re*, 870
Escudero v. Henry, 1306
Kennedy v. Kennedy, 748
Klose v. Klose, 869

▪ Deceased Parent

Kerns v. Southern, 1307
Traylor v. Burns, 272
Weddel, Marriage of, *In re*, 388

▪ Domestic Violence

Maksuta v. Higson, 871

Battered Women

Lewelling v. Lewelling [46,082], 836
Vogt v. Vogt, 619

□ **Access to Courts**

Bates v. Bates [45,397], 715
Cooke v. Naylor, 618
Wells v. Wells [45,993], 717

□ **Legal Options**

Bates v. Bates [45,397], 715
Howell v. City of Catoosa, 157
Wells v. Wells [45,993], 717

□ **Police**

Balistreri v. Pacifica Police Dep't, 272, 618
Coffman v. Wilson Police Dep't, 747
Johnson v. Mesa, Ariz. [46,077], 837

□ **Shelters**

Brock v. Board of Adjustment & Appeals of the City of Rock Hill, 1398
Johnson v. Mesa, Ariz. [46,077], 837

Child Abuse

Cooke v. Naylor, 618
Decatur City Bd. of Educ. v. Aycock, 875
K. v. K., 749

□ **Sexual Abuse**

M., *In re*, 390
Smith v. Marshall, 751

▪ Visitation Rights

Bates v. Johnson [38,270], 359
Fortney v. Hines [46,225], 1149
Hopper v. Hopper, 619
Norton v. Cobb, 1189
White v. Thompson, 1399

Non-Parents

Cantu v. Cantu, 1307
Chavers v. Hammac, 1394
Davisson, Marriage of, *In re*, 1991
Jones v. Jones [45,782], 364
Kerns v. Southern, 1307
Muse v. Hutchins, 748
R., C.E., *In re*, 1396
Shoemaker v. Shoemaker, 870
Weddel, Marriage of, *In re*, 388

DRUG TESTING

See PRIVACY

DUE PROCESS

Busalacchi, *In re* [46,370], 1377
Jedlicka v. Baltimore County, Md. [45,732], 373
Oregon v. Brungard, 391

▪ Administrative Actions

Burka v. New York City Transit Auth., 872, 1194, 1397
M. v. Johnson, 1189, 1310
Williams v. Lyng [19,499], 596

▪ Assistance of Counsel

Maine Dep't of Human Servs. v. Tarvers [43,952], 587
Mead v. Batchlor [44,214], 1190
S., P.L., Paternity of, *In re*, 1396

▪ Contempt Proceedings

Corry v. Corry, 1394
Mercer v. Mitchell, 878

▪ Courts

Competency of Court

Smith v. Justice of the Peace Court No. 1 [45,348], 852, 1282

▪ Deprivation of Liberty

Edwards v. Lockhart, 877
Greenway v. Johnson [43,714], 605
Holmes v. Robinson, 878
S., B.G., Adoption of, *In re*, 157
Shaw v. Strackhouse, 1397
Zinermon v. Burch, 160

Employment

Burka v. New York City Transit Auth., 872, 1194, 1397

▪ Deprivation of Property

Barnes v. McMahon [45,717], 363, 836
Kirby v. Sprouls [44,387], 584, 1150
United States v. The Leasehold Interest in 1-25 Astoria Blvd. [45,819], 597
United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859], 597
United States v. A Leasehold Interest in Property Located at 884 S. Maple [45,858], 597, 848

Assessments for Benefits

Ortiz v. Regan, 1312

▪ Interpreters

El Rescate Legal Servs., Inc. v. Executive Office for Immigration Review, 64

▪ Jails

Cerda v. O'Leary, 1200

▪ Judgments

Validity

Florida *ex rel.* Pittman v. Stanjeski, 869

Just Compensation

Fern v. United States, 868

Notice and Opportunity to Be Heard

Barnes v. Fucci, 870
Edwards v. Lockhart, 877
Fontanette v. Whitfield [45,832], 610
Meacham, *In re* [46,247], 1156
Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth. [45,824], 599
Riverside Tenants Ass'n v. Kemp [46,137], 1167
Russell v. Dunston, 273
S., B.G., Adoption of, *In re*, 157
Saito v. Lewin [45,817], 603
United States v. The Leasehold Interest in 1-25 Astoria Blvd. [45,819], 597
United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,869], 597
United States v. A Leasehold Interest in Property Located at 884 S. Maple [45,859], 597, 848

Action Before Hearing

Weller v. Department of Social Servs. for Baltimore, 625
Y., *In re* [45,979], 731

Competent and Impartial Tribunal

Smith v. Justice of the Peace Court No. 1 [45,348], 852, 1282

Default Judgment

Breuer v. Poe, 1190
McKenney v. Commissioner, Me. Dep't of Human Servs. [43,954], 614

Ex Parte Proceedings

Pinsky v. Duncan, 386
Richmond Tenants Org. v. Kemp [45,826], 599, 1292

Fairness and Reasonableness

Burka v. New York City Transit Auth., 872, 1194, 1397

Judgments, Orders, and Decrees

Florida *ex rel.* Pittman v. Stanjeski, 869

Opportunity to Rebut Evidence

Richardson v. Baker [40,719], 36

Order Without Hearing

Ortiz v. Regan, 1312

Presentation of Evidence

Stoffel v. Arizona Dep't of Economic Sec., 61

Property Rights

Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282
Richmond Tenants Org. v. Kemp [45,828], 599, 1292

Review

Koolstra v. Sullivan, 1202

Statutory Notice

Coalition of Cal. Welfare Rights Orgs. v. McMahon [45,498], 58

Venue

Williams v. Illinois State Scholarship Comm'n [42,518], 1148

Partiality or Bias

T., Caroline v. Hudson School Dist., 1192

Representation by Counsel

Cheung v. Youth Orchestra Found. of Buffalo, 748
Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282
Orantes-Hernandez v. Thornburgh [32,788], 1310
Simmons v. Traughber [44,611], 755

Appointment by Court

Allen v. Division of Child Support Enforcement, 748
Fortney v. Hines [46,225], 1149
Hammock v. Bencini [46,027], 717
Maine Dep't of Human Servs. v. Tarvers [43,952], 587
Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Geist [46,123], 1174
Tice v. Oklahoma [46,222], 1174

Effectiveness of Representation

Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Geist [46,123], 1174

Prejudice Caused by Nonrepresentation

Mistretta v. Mistretta, 1306

Transcripts

Indigents

Schulz v. North Dakota Dep't of Human Servs. [45,361], 34

ECONOMIC DEVELOPMENT

See also HOUSING

Akpan v. Koch [43,283], 44, 259
BanPonce Corp., *In re* [46,220], 1158
Smith v. Farmers & Citizens State Bank [46,292], 1284
South San Francisco Hous. Action Comm. v. South San Francisco, Cal. [46,278], 1285
Southside Fair Hous. Comm. v. City of New York, 1307

EDUCATION

Moore v. District of Columbia [45,053], 873
Mrs. C. v. Wheaton, 1195

Admission

Barajas v. Board of Trustees, Two Rock Union School Dist. [46,211], 1159

Affirmative Action Program

Vaughns v. Board of Educ. of Prince George's County [38,320], 839

Athletic Activities

Discrimination

Crocker v. Tennessee Secondary School Athletic Ass'n, 623

Attendance Requirements

Kronquist v. Goodrich [45,344], 612, 1388
League of United Latin Am. Citizens v. Florida Bd. of Educ. [46,028], 718

Classification

Placement

□ **Mentally Retarded**

Liscio v. Woodland Hills School Dist., 623

Corporal Punishment

Foe v. Herndon, 621
Grenier, *In re* [46,036], 745

Desegregation Requirements

Ayers v. Allain, 157, 1192
Keyes v. School Dist. No. 1 [14,299], 157
Little Rock School Dist. v. Pulaski County Special School Dist., 61
Missouri v. Jenkins, 273
Vaughns v. Board of Educ. of Prince George's County [38,320], 839

Enforcement

Board of Educ. of Oklahoma City Pub. Schools v. Dowell, 1307
Coalition to Save Our Children v. Buchanan, 1193

Magnet Schools

Parents for Quality Educ. with Integration, Inc. v. Fort Wayne Community Schools, 62

Student Assignment

Coalition to Save Our Children v. Buchanan, 1193
Price v. Austin Indep. School Dist. [12,308], 157

Discipline

McCann, *In re* [45,524], 39

Discrimination

Garza v. Mabton School Dist. [43,433], 604

Handicapped Persons

Cordrey v. Euckert, 1309
Crocker v. Tennessee Secondary School Athletic Ass'n, 623
D., Chris v. Montgomery County Bd. of Educ., 1195
Harper v. School Admin. Dist. No. 37, 63
Independent School Dist. 623, Roseville, Minn. v. Digre, 154
Kantak v. Board of Educ., Liverpool Cent. School Dist. [45,619], 133
McCann, *In re* [45,524], 39
N. v. Brock [43,593], 874
P. v. Sobol [25,954], 590
P., Christopher v. Marcus, 1192
S. v. Georgia Bd. of Educ. [45,152], 1160
Sullivan v. Vallejo City Unified School Dist., 274
T., Caroline v. Hudson School Dist., 1192

Integration

Ayers v. Allain, 157, 1192

Race

Ayers v. Allain, 157, 1192
Little Rock School Dist. v. Pulaski County Special School Dist., 61
Price v. Austin Indep. School Dist. [12,308], 157

Sex

Cazares v. Barber [45,558], 132, 365

Drugs

Brooks v. East Chambers Consol. Indep. School Dist., 273

Educational Rights

Doe v. Alabama State Dep't of Educ., 1195
H. v. Tirozzi, 623

Emotionally Disturbed Children

Clovis Unified School Dist. v. Office of Admin. Hearings, 623
McCann, *In re* [45,524], 39

Least Restrictive Environment

D., Chris v. Montgomery County Bd. of Educ., 1195

Special Facilities
Taylor v. Honig, 874

▪ Exceptional Children

Doe v. Alabama State Dep't of Educ., 1195
S. v. Ohio State Bd. of Educ. [42,416], 367

▪ Fees

St. Johns County v. Northeast Fla. Builders Ass'n, 621

Exemption for Indigent Students
Clark, *In re* [46,192], 1159
Gullett v. Pontiac Consol. School Dist. No. 429 [46,061], 839

Residency Requirements
C., Sonya v. Arizona School for the Deaf & Blind, 1193

▪ Financing

St. Johns County v. Northeast Fla. Builders Ass'n, 621
United States v. Barry, 749

Student Loans
California v. Wilshire Computer College [46,309], 1285
Crane v. Kemp [44,576], 258
Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,082], 839
Eastern Technical School, *In re* [45,543], 37
Figueroa v. Market Training Inst. [43,212], 1159
Nead v. Pennsylvania Higher Educ. Assistance Agency (*In re* Nead) [45,499], 32, 126
Peters v. Bank of Horton [45,974], 718
Rumiche v. Foley [45,542], 37
Tipton v. Secretary of Educ. [45,765], 713
United States v. Grundhoefer [46,129], 1158

□ **Recovery**
Grider v. Cavazos [45,214], 838
Hurst v. United States Dep't of Educ., 621
Richardson v. Baker [40,719], 36
Veal v. First Am. Sav. Bank [43,467], 717, 1192
Williams v. Illinois State Scholarship Comm'n [42,518], 1148

▪ Handicapped Persons

Brown v. Wilson County School Bd., 1196

▪ Indigent Students

Crane v. Kemp [44,576], 258

Waiver of Fees
Gullett v. Pontiac Consol. School Dist. No. 429 [46,061], 839

▪ Learning Disabled Children

Rapid City School Dist., 5¹-4 v. Vahle, 623

Special Programs
Williams v. Gering Pub. Schools, 1396
Cazares v. Barber [45,558], 132, 365
Pfeiffer v. Marion Center Area School Dist., 1308

▪ Private Schools

Reimbursement
Block v. District of Columbia, 1309
Kerr Center Parents Assoc. v. Charles, 274

Special Education
P., Christopher v. Marcus, 1192

▪ Records

T., Caroline v. Hudson School Dist., 1192

Confidentiality
Doe v. Southeastern Univ., 274

Disclosure
Doe v. Southeastern Univ., 274

▪ Residency Requirements

C., Sonya v. Arizona School for the Deaf & Blind, 1193

▪ School Closures

Financing
Veal v. First Am. Sav. Bank [43,467], 717, 1192

▪ School Officials

Massachusetts v. A Juvenile [45,538], 48

Immunity
P., Christopher v. Marcus, 1192

▪ Search and Seizure

Drugs
Brooks v. East Chambers Consol. Indep. School Dist., 273

▪ Special Education

Chester County Intermediate Unit v. Pennsylvania Blue Shield, 274
H. v. Tirozzi, 623
H., Lester v. Gilhool, 1195
Howell v. Waterford Pub. Schools, 275
Independent School Dist. 623, Roseville, Minn. v. Digre, 154
Kantak v. Board of Educ., Liverpool Cent. School Dist. [45,819], 133
Kerr Center Parents Assoc. v. Charles, 274
P., Christopher v. Marcus, 1192
T., Caroline v. Hudson School Dist., 1192
Tice v. Botetourt County School Bd., 873 @indexlevel-1 = Title VI
Ayers v. Allain, 157, 1192

▪ Title IX

Sex Discrimination
Cazares v. Barber [45,558], 132, 365
Pfeiffer v. Marion Center Area School Dist., 1308

▪ Tort Liability of Public Schools

Doe v. Southeastern Univ., 274

▪ Tuition

Grants
Eastern Technical School, *In re* [45,543], 37

Handicapped Persons
Block v. District of Columbia, 1309
Kerr Center Parents Assoc. v. Charles, 274
Metropolitan Gov't of Nashville & Davidson County, Tenn. v. Cook, 1195

Residency Requirements
C., Sonya v. Arizona School for the Deaf & Blind, 1193

▪ Vocational Education

California v. Wilshire Computer College [46,309], 1285
Figueroa v. Market Training Inst. [43,212], 1159
Eastern Technical School, *In re* [45,543], 37
Peters v. Bank of Horton [45,974], 718
Veal v. First Am. Sav. Bank [43,467], 717, 1192

ELECTIONS

▪ Aldermanic Elections

Monroe v. City of Woodville, Miss. [41,831], 273

▪ At-Large Elections

Williams v. City of Dallas [45,799], 588

Discrimination
Monroe v. City of Woodville, Miss. [41,831], 273

▪ Municipal Elections

Williams v. City of Dallas [45,799], 588

▪ Voting Rights Act

Monroe v. City of Woodville, Miss. [41,831], 273

Section 2 on At-Large Elections
Williams v. City of Dallas [45,799], 588

EMINENT DOMAIN

Azul Pacifico, Inc. v. City of Los Angeles, 876
Clem v. Christole, Inc., 64
Pinewood Estates of Mich. v. Barnegat Township Leveling Bd., 275

EMPLOYMENT

See also EMPLOYMENT DISCRIMINATION

Burka v. New York City Trans. Auth., 872, 1194, 1397
United Elec., Radio & Mach. Workers of Am. v. Brock, 273

▪ Civil Service

Survivors' Benefits
Newman v. Teigeler, 386

▪ Collective Bargaining Agreements

Violations
Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,886], 242

▪ Comprehensive Employment and Training Act

Chicano Educ. & Manpower Serv. v. Department of Labor, 872

▪ Fair Labor Standards Act

Mireles v. Frio Foods, Inc., 388

Wage Deductions
Mendoza v. Point St. George Fisheries [45,781], 365

▪ Government Employees

Health Benefit Plans
Russell v. Dunston, 273

Termination
Flores v. Reagan, 873

▪ Hiring Practices

Robinson v. Stern [45,729], 366

▪ Occupational Safety

Transportation Inst. v. United States Coast Guard, 62

Regulation Standards

Mendoza v. Point St. George Fisheries [45,791], 365

Records

Access

Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,885], 242

Termination

Flores v. Reagen, 873
Laracuente v. Chase Manhattan Bank, 61
Rauh v. Coyne, 1194
Robinson v. Stern [45,729], 366
Solomon v. Munford, Inc. [45,859], 252
St. Vincent's Hosp. v. King, 632

At-Will Terminations

Harney v. Meadowbrook Nursing Center, 274
Hicks v. Baylor Univ. Medical Center, 622
Johnson v. Delchamps, Inc., 273

Limitations

Dynan v. Rocky Mountain Fed. Sav. & Loan [45,894], 248
Greeley v. Miami Valley Maintenance Contractors, Inc., 274
Hamilton v. Air Jamaica, Ltd., 1397
Kessler v. Equity Management, Inc., 622
McDonald v. Mobil Coal Producing [45,808], 132
Pankow v. Westamerica Mortgage Co., 872

Discharge Without Cause

Dynan v. Rocky Mountain Fed. Sav. & Loan [45,894], 248

Retaliatory Discharge

Bennett v. Hardy, 63
Harney v. Meadowbrook Nursing Center, 274
Parr v. Triplett Corp., 62

Wage Claims

Hamilton v. Air Jamaica, Ltd., 1397
O'Kronglis v. Broberg, 750

Wage Garnishment

Greeley v. Miami Valley Maintenance Contractors, Inc., 274

Wrongful Discharge

Bennett v. Hardy, 63
Dynan v. Rocky Mountain Fed. Sav. & Loan [45,894], 248
Greeley v. Miami Valley Maintenance Contractors, Inc., 274
Johnson v. Delchamps, Inc., 273
Kessler v. Equity Management, Inc., 622
McDonald v. Mobil Coal Producing [45,808], 132
Neal v. Corning Glass Works Corp., 1188
Pankow v. Westamerica Mortgage Co., 872

EMPLOYMENT DISCRIMINATION

Adverse Impact

Ross v. Buckeye Cellulose Corp., 388, 389

Promotions

United States v. City of Montgomery, Ala., 1193

Testing

Burka v. New York City Transit Auth., 872, 1194, 1397

Age Discrimination

Bennett v. Hardy, 63
Betts v. Hamilton County Bd. of Mental Retardation & Developmental Disabilities, 273
Burlew v. Eaton Corp., 63
Buscemi v. Pepsico, Inc., 622
Commonwealth Bank & Trust v. Winterberger, 1308
DeMara v. Michigan, 622
EEOC v. School Bd. of Pinellas County, 1194
Hoops v. United Tel. Co., 389
Jackson v. GTE Directories Serv. Corp., 622
Lakeway Land Co. v. Kizer, 1397
Lavery v. Marsh, 62
Salisbury v. McWhorter, 1397
Silpacharin v. Metropolitan Gov't of Nashville, 1308

Age Discrimination in Employment Act

EEOC v. Monclova Township, 1397
Jackson v. GTE Directories Serv. Corp., 622
Lewis v. City of Ft. Collins, 621
O'Hare v. Global Natural Resources, Inc., 388
Pack v. O'Quinn, 1194

Attorney Fees

Spulak v. K Mart Corp., 157

Damages

Burlew v. Eaton Corp., 63
Spulak v. K Mart Corp., 157

Dismissal of Employees

Burlew v. Eaton Corp., 63
Mashman v. Universal Match Corp., 63
Massie v. Indiana Gas Co., 1397
Spulak v. K Mart Corp., 157

Replacement by Younger Employees

Buscemi v. Pepsico, Inc., 622

Federal Employees

Lavery v. Marsh, 62

Lawful Practices or Exemptions

Involuntary Retirement

Spulak v. K Mart Corp., 157

Mandatory Retirement

Betts v. Hamilton County Bd. of Mental Retardation & Developmental Disabilities, 273

Prohibitions

Employer Practices

EEOC v. School Bd. of Pinellas County, 1194

Timely Filing

Equitable Tolling

Lavery v. Marsh, 62
Stark v. Dynascan Corp., 621

Willful Discrimination

Burlew v. Eaton Corp., 63

Back Pay Awards

Daniels v. City of Alcoa, 389
Hy-Vee Food Stores v. Iowa Civil Rights Comm'n, 389
Jackson v. McCleod, 1308

Bona Fide Occupational Qualifications

Sex Discrimination

Grant v. General Motors Corp., 872, 1194

Business Necessity

Ross v. Buckeye Cellulose Corp., 388, 389

Demotions

Jackson v. GTE Directories Serv. Corp., 622
Patel v. Thomas, 749

Disabled Persons

Conway v. Boston Edison Co., 1194
Finney v. Baylor Medical Center Grapevine, 874
Horn v. Davis Elec. Constructors, Inc., 1308

Discharge

Brunner v. Al Attar, 389
Daniels v. City of Alcoa, 389
Hayes v. Community Gen. Osteopathic Hosp., 274
Horn v. Davis Elec. Constructors, Inc., 1308
Laracuente v. Chase Manhattan Bank, 61
Massie v. Indiana Gas Co., 1397
Weldon v. Kraft, Inc., 872
Zeman v. V.F. Factory Outlet, Inc., 1193

Retaliation for Filing Charge with EEOC

Cooper v. Cobe Laboratories, Inc., 1193
Miller v. Swissre Holding, Inc., 274

Dismissal

Cumpiano Sanchez v. Banco Santander, P.R., 621, 873

Disparate Treatment

Hy-Vee Food Stores v. Iowa Civil Rights Comm'n, 389

Demotions

Grant v. General Motors Corp., 872, 1194

Discharge

Connor v. Mobil Chem. Co., 873

Promotions

Bridgeport Guardians, Inc. v. City of Bridgeport, 621
Hall v. Kelsey-Hayes Co., 749

EEOC

Cooper v. Cobe Laboratories, Inc., 1193
Jurgens v. Equal Employment Opportunity Comm'n, 621

Timely Filing

Equitable Tolling

Stark v. Dynascan Corp., 621

Failure to Promote

Bridgeport Guardians, Inc. v. City of Bridgeport, 621
Edwards v. Hodel, 749
Hall v. Kelsey-Hayes Co., 749
Hearn v. Turnage, 1308
Hopkins v. Price Waterhouse, 749
Jew v. University of Iowa, 1308
Miller v. Swissre Holding, Inc., 274
United States v. City of Montgomery, Ala., 1193
Williams v. BLM Co., 273
Williams v. Chase Manhattan Bank, N.A., 63

Federal Employees

McElrath v. Kemp, 872

Handicapped Persons

Burgess v. Your House of Raleigh, Inc., 158
Cain v. Hyatt, 623
Callicotte v. Cheney, 1193
Conway v. Boston Edison Co., 1194
Dowden v. Tisch, 159
Finney v. Baylor Medical Center Grapevine, 874
Hebert v. Aetna Indus., Inc., 158
Kimble v. Hayes [45,623], 132
Leckelt v. Board of Comm'rs of Hosp. Dist. No. 1., 874
Mashman v. Universal Match Corp., 63
R., Benjamin v. Orkin Exterminating Co., 389
Sanchez v. Lagoudakis, 750

Hiring and Promotion

Coleman v. Dow Chem. Co., 1193
Edwards v. Hodel, 749

Law Enforcement Agencies

Bridgeport Guardians, Inc. v. City of Bridgeport, 621
Kimble v. Hayes [45,823], 132

Racial Discrimination

Brereton v. Communications Satellite Corp., 621
Gadson v. North Carolina Memorial Hosp., 750
Hearn v. Turnage, 1308
Jackson v. McCleod, 1308

Sex Discrimination

Jew v. University of Iowa, 1308
Scott v. City of Topeka Police & Fire Civil Serv., 872

Mandatory Retirement

Betts v. Hamilton County Bd. of Mental Retardation & Developmental Disabilities, 273

Military

DeMara v. Michigan, 622

National Origin

Hy-Vee Food Stores v. Iowa Civil Rights Comm'n, 389
Torrez v. Public Serv. Co. of N.M., 872

Racial

Brereton v. Communications Satellite Corp., 621
Bridgeport Guardians, Inc. v. City of Bridgeport, 621
Coleman v. Dow Chem. Co., 1193
Connor v. Mobil Chem. Co., 873
Daniels v. City of Alcoa, 389
Daniels v. Essex Group, Inc., 872
Edwards v. Hodel, 749
Gadson v. North Carolina Memorial Hosp., 750
Hall v. Kelsey-Hayes Co., 749
Hayes v. Community Gen. Osteopathic Hosp., 274
Hearn v. Turnage, 1308
Jackson v. McCleod, 1308
Jurgens v. Equal Employment Opportunity Comm'n, 621
Lewis v. City of Ft. Collins, 621
Miller v. Swissre Holding, Inc., 274
Ross v. Buckeye Cellulose Corp., 388, 389
Silpacharin v. Metropolitan Gov't of Nashville, 1308
Smith v. Brady, 1193
Torrez v. Public Serv. Co. of N.M., 872
Walton v. Cowin Equip. Co., 388
Weldon v. Kraft, Inc., 872
Williams v. BLM Co., 273
Williams v. Chase Manhattan Bank, N.A., 63

Refusal to Hire

Handicapped

Hebert v. Aetna Indus., Inc., 158

Sex Discrimination

Scott v. City of Topeka Police & Fire Civil Serv., 872

Remedies

Edwards v. Hodel, 749
Hall v. Kelsey-Hayes Co., 749
Hopkins v. Price Waterhouse, 749
United States v. City of Montgomery, Ala., 1193

Attorney Fees

McElrath v. Kemp, 872

Back Pay

Brammer v. West Virginia Human Rights Comm'n, 873
Daniels v. Essex Group, Inc., 872
EEOC v. Service News Co., 388
Hopkins v. Price Waterhouse, 749
Jackson v. McCleod, 1308
Jew v. University of Iowa, 1308
Jurgens v. Equal Employment Opportunity Comm'n, 621
Smith v. Brady, 1193

Compensatory Damages

Jones v. Rivers, 388

Front Pay

Pitre, Estate of v. Western Elec. Co., Inc., 622
Spulak v. K Mart Corp., 157

Punitive Damages

Jones v. Rivers, 388

Reinstatement

Horn v. Davis Elec. Constructors, Inc., 1308
Jones v. Rivers, 388
McElrath v. Kemp, 872

Retaliation

Bennett v. Hardy, 63
Brammer v. West Virginia Human Rights Comm'n, 873
Edwards v. Hodel, 749
Gadson v. North Carolina Memorial Hosp., 750
Horn v. Davis Elec. Constructors, Inc., 1308
Jackson v. GTE Directories Serv. Corp., 622

Sex Discrimination

Commonwealth Bank & Trust v. Winterberger, 1308
Cooper v. Cobe Laboratories, Inc., 1193
Pitre, Estate of v. Western Elec. Co., Inc., 622
Smith v. Brady, 1193

Compensation and Classification

Hopkins v. Price Waterhouse, 749
Jones v. Rivers, 388

Equal Pay Act

Grant v. General Motors Corp., 872, 1194

Harassment

Brammer v. West Virginia Human Rights Comm'n, 873
Hill v. John Chezik Imports, 1308
Jew v. University of Iowa, 1308
Mahoney v. Driscoll, 63
Morris v. American Nat'l Can Corp., 274
Patel v. Thomas, 749
Runkle v. Unemployment Compensation Bd. of Review [46,197], 1179

Physical Requirements

Grant v. General Motors Corp., 872, 1194

Pregnancy

Cumpiano Sanchez v. Banco Santander, P.R., 621, 873
EEOC v. Service News Co., 388
Pan Am. World Airways, *in re*, 749

Sexual Favors

Sherman v. Illinois Human Rights Comm'n, 1397

State Protective Laws

Grant v. General Motors Corp., 872, 1194

Timely Filing of Charge

Hy-Vee Food Stores v. Iowa Civil Rights Comm'n, 389
Yellow Freight Sys., Inc. v. Donnelly, 270

Statistical Evidence

Buscemi v. Pepsico, Inc., 622

Statute of Limitations

Commonwealth Bank & Trust v. Winterberger, 1308
Williams v. Chase Manhattan Bank, N.A., 63

EEOC

Yellow Freight Sys., Inc. v. Donnelly, 270

Title VII

Coleman v. Dow Chem. Co., 1193
Cumpiano Sanchez v. Banco Santander, P.R., 621, 873
Daniels v. Essex Group, Inc., 872
Grant v. General Motors Corp., 872, 1194
Lytle v. Household Mfg., 155
Patel v. Thomas, 749
Ross v. Buckeye Cellulose Corp., 388, 389
Silpacharin v. Metropolitan Gov't of Nashville, 1308
Smith v. Brady, 1193
Walton v. Cowin Equip. Co., 388

Jurisdictional Requirements

Yellow Freight Sys., Inc. v. Donnelly, 270

Prima Facie Showing

Hearn v. Turnage, 1308

ENERGY

See also PUBLIC UTILITIES

Low-Income Home Energy Assistance Act

Binder v. New Mexico Human Servs. Dep't [46,007], 736, 854
Rodriguez v. Cuomo [45,745], 378, 1400

Administration

LeFever v. Perales [46,388], 1385

Delays

LeFever v. Perales [46,388], 1385

Regulation

LeFever v. Perales [46,388], 1385

Supplemental Energy Allowance

Giles v. Housing Auth. of Frankfort [45,074], 257

Weatherization

Giles v. Housing Auth. of Frankfort [45,074], 257

ENVIRONMENTAL LAW

Pyramid Lake Paiute Tribe of Indians v. United States Dep't of Navy, 391

Herbicides

Aerial Spraying

Talevich v. Voss, 622

Impact Statements

Adequacy

City of Tenakee Springs v. Clough, 1194

National Environmental Policy Act

Hanlon v. Barton, 873

Pesticides

Talevich v. Voss, 622

▪ Solid Waste Disposal

Blue Legs v. EPA [43,115], 50

EQUAL PROTECTION

See also CIVIL RIGHTS

Busalacchi, *In re* [46,370], 1377
Farmer v. Moritsugu, 1200
Grider v. Administrator, Dep't of Employment Sec., 880
Kupona Network v. Chicago Transit Auth. [46,369], 1371
Maddox v. Justice of the Peace Court No. 1 [45,563], 139, 710, 1282
Madewell v. Roberts, 877
Oregon v. Brungard, 391
X., *In re*, 1190

▪ Costs

Schulz v. North Dakota Dep't of Human Servs. [45,301], 34

▪ Fundamental Rights

Croft v. Harder, 156
Greenway v. Johnson [43,714], 605
Jedlicka v. Baltimore County, Md. [45,732], 373

Vital Benefits

Brown v. Secretary of HHS [44,787], 53, 606
L. v. SSA [45,958], 737

□ **Eligibility**

Baker v. City of Concord, N.H. [45,568], 150, 610, 1180
Moccio v. Department of Human Resources, Adult & Family Servs. Div., 1204
Turpin v. Sullivan [44,894], 1386

▪ Racial Discrimination

Southside Fair Hous. Comm. v. City of New York, 1307

▪ Sufficiency of Evidence

Paper v. Rent-A-Wreck, 1393

▪ Venue

Waiver

Williams v. Illinois State Scholarship Comm'n [42,518], 1148

EVIDENCE

See also CIVIL PROCEDURE, CRIMINAL LAW AND PROCEDURE

▪ Administrative Adjudications

Cline v. Director, Office of Workers' Compensation Program, 1196

Written Evidence

Bishop v. Sullivan, 629

▪ Admissibility

Darling v. Sullivan [42,592], 360, 841, 1281

Authentication and Identification

Jerome v. Jerome, 1395

Hearsay Evidence

J., Barbara, *In re*, 625
Martin, *In re*, 877
S., A., *In re*, 747

▪ Authentication and Identification

Custodian

Weber v. York [45,567], 131

Oral Communication

Martin, *In re*, 877

▪ Bias or Prejudice

Patterson v. T. [43,366], 33

▪ Blood Tests

Identification

Boyles v. Clements, 868
Department of Revenue v. Sorrentino, 869

Paternity

Boyles v. Clements, 868
Department of Revenue v. Sorrentino, 869
Ross v. Moore, 272
S., S. v. E.S., 871
Stiles v. Bargeron, 619
Weber v. York [45,567], 131

▪ Burden of Proof

Guyton v. City of Alameda [44,257], 127, 373
J., Barbara, *In re*, 625

Measure of Persuasion

Wright v. Virginia Dep't of Social Servs., 160

□ **Beyond Reasonable Doubt**

Kansas v. Rupert, 386

Preponderance

H., N., *In re*, 156
Wright v. Virginia Dep't of Social Servs., 160

▪ Courts

Applicability of Rules to Proceedings

Hollywood Park Assocs. v. Diaz [45,604], 143

Calling of Witnesses

Glammer v. Unemployment Compensation Bd. of Review, 1402

▪ Credibility of Witness

Attacking Credibility

Posner v. Dallas County Child Welfare Unit, 160

□ **Evidence**

Schmitz v. Stransky, 620

Impeachment

Schmitz v. Stransky, 620

▪ Expert Witnesses

Fuehrer, Adoption of, *In re*, 620
Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199

Court-Appointed Expert Witnesses

H. v. Johnson [45,092], 1148, 1294

Qualification

Utah *ex rel.* L.D.S. v. Stevens, 1198
W., *In re* [45,663], 264

▪ Hearsay

Doran v. Department of Health & Rehabilitative Servs. [45,951], 726

Exceptions

Martin, *In re*, 877
Posner v. Dallas County Child Welfare Unit, 160

□ **Expert Opinion**

S., R., Guardianship of, *In re*, 392

□ **Medical Diagnosis or Treatment**

Ross v. Moore, 272
S., A., *In re*, 747

▪ Impeachment

Convictions

Schmitz v. Stransky, 620

Polygraph Examinations

Posner v. Dallas County Child Welfare Unit, 160

▪ Improperly Obtained Evidence

Exclusionary Rule

Massachusetts v. A Juvenile [45,538], 48

□ **Civil Action**

Hollywood Park Assocs. v. Diaz [45,604], 143

Unreasonable Search and Seizure

National Fed'n of Fed. Employees v. Cheney, 1193

□ **Consent**

Hollywood Park Assocs. v. Morales [45,599], 142

□ **Persons**

Nitcher v. Cline, 390
Transportation Inst. v. United States Coast Guard, 62

□ **Probable Cause**

Burka v. New York City Transit Auth., 872, 1194, 1397

□ **Search Warrant**

Hollywood Park Assocs. v. Morales [45,599], 142

▪ Jury

Instructions

Gunter v. Oklahoma [46,224], 1173

□ **Presumptions**

Kansas v. Rupert, 386

▪ Mental Condition

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199
W., L.N., *In re*, 752

▪ Opinions and Expert Testimony

Administrative Proceedings

Smith v. Sullivan, 629

Disclosure of Facts or Data

Cooke v. Naylor, 618

▪ Physical Examinations

Cline v. Director, Office of Workers' Compensation Program, 1196

Compulsory

White, Estate of, *In re* [45,787], 364

▪ Privileges

Utah *ex rel.* L.D.S. v. Stevens, 1198

Attorney-Client Privilege

B., B. v. Colorado, 64

Existence

Grand Jury Subpoena Dated Nov. 14, 1989, *In re*, 61

Physician- and Psychotherapist-Patient Privilege

B., B. v. Colorado, 64
Doe, J., *In re*, 1198
M., R., *In re*, 626
Oregon *ex rel.* Juvenile Dep't of Lincoln County v. Ashley, 747

Self-Incrimination

Baltimore City Dep't of Social Servs. v. Bouknight [45,027], 47

▪ Relevance

Admissibility

Darling v. Sullivan [42,592], 360, 841, 1281

▪ Witnesses

Calling and Interrogation by Court

Owens v. Libhart, 161
S., A., *In re*, 747

Cross-Examination

Owens v. Libhart, 161

Exclusion

Stiles v. Bargeron, 619
S., A., *In re*, 747

Privileges

B., B. v. Colorado, 64
Grand Jury Subpoena Dated Nov. 14, 1989, *In re*, 61

FOOD PROGRAMS

▪ Applications

Prompt Processing

Little v. Coler [46,022], 840

▪ Expedited Issuance

Little v. Coler [46,022], 840
Tay v. Flaherty [43,988], 867

Administration

Bragg v. Perales [45,873], 719
Condosta v. Department of Social Welfare, 873
Crihfield v. Willis-Miller [46,338], 1377
Hatten-Gonzales v. Valdez [46,043], 861
Little v. Coler [46,022], 840
Rehnberg v. Aronson [45,786], 382

◻ Administrative Error

Dunn v. Yeutter [45,853], 249, 718

Applications

Crihfield v. Willis-Miller [46,338], 1377
Gonzalez v. Department of Health & Rehabilitative Servs. [45,584], 151
Manchaca v. Sullivan [45,976], 719
Southside Welfare Rights Org. v. Stangler [46,342], 1377

◻ Prompt Processing

Alvarez v. Aronson [46,198], 1181
Franklin v. Barry [46,308], 1286
Hatten-Gonzales v. Valdez [46,043], 861
See Moua v. Goodrich [45,219], 1184

Assets

Gasner v. Wisconsin Dep't of Health & Social Servs. [46,074], 840

Benefits

◻ Considered Income

Massachusetts v. Lyng [44,131], 158

Budgeting

McCabe v. Commissioner, Me. Dep't of Human Servs. [45,836], 589, 1160

Co-Residents

Cook, *In re* [45,843], 589
Hall v. Vermont Dep't of Social Welfare, 622

Common Living Quarters

DeRamus v. Hornsby [46,263], 1286

Coupon Allotment

Dunn v. Yeutter [45,853], 249, 718

Eligibility

LePage v. Yeutter [44,733], 38, 248, 1159
Stump v. Yeutter [45,873], 249

◻ Review of

Hall v. Vermont Dep't of Social Welfare, 622
Owens v. Thompson [44,037], 864, 1185

Expedited Issuance

Crihfield v. Willis-Miller [46,338], 1377
Franklin v. Barry [46,308], 1286
Southside Welfare Rights Org. v. Stangler [46,342], 1377
Villegas v. Concannon, 1195

Fair Hearing

Knox v. Secretary of Dep't of Pub. Welfare, 622
Stoffel v. Arizona Dep't of Economic Sec., 61

Fraud

Owens v. Thompson [44,037], 864, 1185
Stump v. Yeutter [45,873], 249

Hearings

Stoffel v. Arizona Dep't of Economic Sec., 61

◻ Aid Pending Appeal

Condosta v. Department of Social Welfare, 873

Household Definition

Christy, *In re* [46,194], 1160
Cook, *In re* [45,843], 589
DeRamus v. Hornsby [46,263], 1286
Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
Lepage v. Yeutter [44,733], 38, 248, 1159
Verna v. Coler [42,310], 158
Wilson v. Department of Health & Rehabilitative Servs., 750

Income Deductions

Massachusetts v. Lyng [44,131], 158

◻ Computation of Income

Cook, *In re* [45,843], 589
Jones v. Yeutter [44,523], 38
Larry v. Yamauchi [45,867], 719, 1376
Maine Ass'n of Interdependent Neighborhoods v. Commissioner, Me. Dep't of Human Servs. [45,163], 389, 1194

◻ Educational Allowance

McCabe v. Commissioner, Me. Dep't of Human Servs. [45,836], 589, 1160

◻ HUD Subsidies

Baum v. Yeutter [43,474], 589
Wilson v. Department of Health & Rehabilitative Servs., 750

◻ Student Loans

McCabe v. Commissioner, Me. Dep't of Human Servs. [45,836], 589, 1160

Interpreter Services

Little v. Coler [46,022], 840

Lost or Stolen Food Stamps

◻ Replacement

Skipper v. Suter [37,330], 248

Notices

◻ Eligibility

Franklin v. Barry [46,308], 1286
Rehnberg v. Aronson [45,786], 382
Manchaca v. Sullivan [45,976], 719

Overpayments

Dunn v. Yeutter [45,853], 249, 718
Urich v. White [43,258], 38

Prompt Processing

Franklin v. Barry [46,308], 1286

Records

◻ Access

Knox v. Secretary of Dep't of Pub. Welfare, 622

Recoupment

Urich v. White [43,258], 38

Reduction of Benefits

Baum v. Yeutter [43,474], 589
Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
Dubuque v. Yeutter [44,733], 38, 248, 1159
Kramer v. New Mexico Human Servs. Dep't [46,201], 1184, 1302

◻ Hearings

Condosta v. Department of Social Welfare, 873
Knox v. Secretary of Dep't of Pub. Welfare, 622

◻ Increased Income

Jones v. Yeutter [44,523], 38

◻ Notices

Condosta v. Department of Social Welfare, 873
Dunn v. Yeutter [45,853], 249, 718

Regulations

LePage v. Yeutter [44,733], 38, 248, 1159
Stump v. Yeutter [45,873], 249
Verna v. Coler [42,310], 158

◻ Compliance

Dunn v. Yeutter [45,853], 249, 718
Little v. Coler [46,022], 840

◻ Implementation

Anderson v. Yeutter [40,136], 63

◻ Promulgation

Jones v. Yeutter [44,523], 38
Maine Ass'n of Interdependent Neighborhoods v. Commissioner, Me. Dep't of Human Servs. [45,163], 389, 1194

Residency Requirements

Villegas v. Concannon, 1195

Retroactive Benefits

Dubuque v. Yeutter [44,733], 38, 248, 1159

Students

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838], 588, 1182
McCabe v. Commissioner, Me. Dep't of Human Servs. [45,836], 589, 1160

Termination

Anderson v. Yeutter [40,136], 63
Bragg v. Perales [45,873], 719

Verification of Information

Hall v. Vermont Dep't of Social Welfare, 622
Hatten-Gonzales v. Valdez [46,043], 861
Owens v. Thompson [44,037], 864, 1185

Work Requirements

Anderson v. Yeutter [40,136], 63
LePage v. Yeutter [44,733], 38, 248, 1159
Maine Ass'n of Interdependent Neighborhoods v. Commissioner, Me. Dep't of Human Servs. [45,163], 389, 1194
Verna v. Coler [42,310], 158

FREEDOM OF INFORMATION

J. Roderick MacArthur Found. v. FBI [46,221], 1150

▪ Denial

Hines v. Board of Parole, 64

GARNISHMENT

See also ATTACHMENT, CONSUMER

▪ Bank Accounts

Lenz v. National Labor Relations Bd., 1189

▪ Exemptions

Brosamer v. Mark, 1306
Johnson v. Hogan [45,558], 128
Tennessee Dep't of Human Servs. *ex rel.* Young v. Young [46,331], 1386

Federal Benefits

Fetterusso v. New York, 276
First Nat'l Bank of Ada v. Aries [43,788], 1153

▪ Maximum Garnishment

Garcia v. Garcia, 619
Murphy v. McCauley [46,088], 835, 1154

▪ Pension Benefits

Brosamer v. Mark, 1306

▪ Postjudgment

Procedures

Johnson v. Hogan [45,558], 128
Kirby v. Sprouls [44,387], 584, 1150

▪ Procedures

Johnson v. Hogan [45,558], 128

▪ Wages

Begay v. Roberts [46,258], 1297
Colonial Am. Nat'l Bank v. Via [45,232], 1147
Kirby v. Sprouls [44,387], 584, 1150
Murphy v. McCauley [46,088], 835, 1154

Spouses

□ Child Support

Garcia v. Garcia, 619
Georgia Dep't of Human Resources v. Pernice, 1393
Lenz v. National Labor Relations Bd., 1189
Robbins v. Robbins, 871
Wyant, Marriage of, *In re*, 620

GOVERNMENT

See also MUNICIPAL-GOVERNMENT SERVICES

Davis v. City of Berkeley, 873

▪ Federal Tort Claims Act

Pierre v. United States [46,064], 848

▪ Liability

H., K. v. Morgan [43,232], 1197
Hampton v. Tinder, 271
Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197

Sovereign Immunity

Colon v. Hart (*In re* Colon) [44,881], 583
Evans v. Commissioner, Me. Dep't of Human Servs. [45,407], 56, 834
H., V., *In re*, 626
Harwood v. Johnson [44,843], 161
Magula v. Broward Gen. Medical Center, 1188
Roe v. Hamilton County Dep't of Human Servs., 1311

HANDICAPPED PERSONS

▪ Architectural Barriers

Jordan v. Cincinnati Metro. Hous. Auth. [45,588], 137
Paralyzed Veterans of Am. v. Washington Metro. Area Transit Auth., 158

Barrier-Free Access

Americans Disabled for Accessible Pub. Transp. v. District of Columbia Courts [45,571], 133
Locascio v. City of St. Petersburg, 274

▪ Blind Persons

N. v. Brock [43,563], 874
Schlank v. Williams, 389

▪ Deaf Persons

Rothschild v. Grottenhaler, 873

▪ Developmentally Disabled Bill of Rights Act

Nicoletti v. Brown, 874

Right to Treatment

Mihalcik v. Lensink, 389

▪ Discrimination

Americans Disabled for Accessible Pub. Transit v. Greyhound Lines [45,523], 39
Miller v. City of Detroit, 1398
S. v. Georgia Bd. of Educ. [45,152], 1160
Samaroff v. Northeast Ill. Regional Commuter R.R. [45,244], 366

Blind Persons

Hastalis v. Illinois Human Rights Comm'n, 1309
Perino v. Cohen [45,827], 125

Federally Funded Programs

Jordan v. Cincinnati Metro. Hous. Auth. [45,588], 137
L. v. SSA [45,958], 737
Rothschild v. Grottenhaler, 873

Housing

Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin., 874
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291
Cason v. Rochester Hous. Auth. [45,739], 371, 848
City of Westerville v. Kuehnert, 623
City Wide Assocs. v. Penfield [46,336], 1377
Clem v. Christole, Inc., 64
Familystyle of St. Paul v. St. Paul, Minn. [46,162], 64, 1160
Jordan v. Cincinnati Metro. Hous. Auth. [45,588], 137

▪ Education

Mrs. C. v. Wheaton, 1195
Rapid City School Dist., 51-4 v. Vahle, 623

Appropriate Education Programs

Block v. District of Columbia, 1309
Buffolino v. Board of Educ. of Sachem Cent. School Dist., 159
Burke County Bd. of Educ. v. Denton, 158
Chester County Intermediate Unit v. Pennsylvania Blue Shield, 274
Liscio v. Woodland Hills School Dist., 623
Metropolitan Gov't of Nashville & Davidson County, Tenn. v. Cook, 1195
Pittsburgh Bd. of Educ. v. Pennsylvania Dep't of Educ., 1309
S. v. Ohio State Bd. of Educ. [42,416], 367
Thomas v. Cincinnati Bd. of Educ., 1309
Tice v. Botetourt County School Bd., 873

Appropriate Education Programs

□ Interpreter Services

Rothschild v. Grottenhaler, 873

□ Private Schools

Doe v. Defendant I, 389

□ Program Modification

Cordrey v. Euckert, 1309

□ Public Schools

Howell v. Waterford Pub. Schools, 275
P. v. Sobol [25,954], 590
Rapid City School Dist., 51-4 v. Vahle, 623
S. v. Georgia Bd. of Educ. [45,152], 1160
Williams v. Gering Pub. Schools, 1396

□ Residential Schools

M., Roland v. Concord School Comm., 1195

Deaf Children

Kantak v. Board of Educ., Liverpool Cent. School Dist. [46,819], 133

Diagnosis and Evaluation

McCann, *In re* [46,524], 39
P. v. Sobol [25,954], 590
S. v. Toguchi [45,021], 840

□ Compliance Within Required Time

S. v. Ohio State Bd. of Educ. [42,416], 367

□ Hearings

T., Caroline v. Hudson School Dist., 1192

Discipline

Fee v. Herndon, 621
McCann, *In re* [46,524], 39
Waterman v. Marquette-Alger Intermediate School Dist., 750

Discrimination

Crocker v. Tennessee Secondary School Athletic Ass'n, 623
Sullivan v. Vallejo City Unified School Dist., 274

□ Universities

United States v. Board of Trustees for Univ. of Ala., 874

Emotionally Disturbed Children

Clovis Unified School Dist. v. Office of Admin. Hearings, 623
D., Chris v. Montgomery County Bd. of Educ., 1195
Taylor v. Honig, 874

Fees

Brown v. Wilson County School Bd., 1196

Hearings

Metropolitan Gov't of Nashville & Davidson County, Tenn. v. Cook, 1195

Moore v. District of Columbia [45,053], 873
T., Caroline v. Hudson School Dist., 1192

Learning Disabled Children

Block v. District of Columbia, 1309

□ **Tort Action**

Sullivan v. Vallejo City Unified School Dist., 274

Mentally Handicapped Persons

Kerr Center Parents Assoc. v. Charles, 274
Liscio v. Woodland Hills School Dist., 623

Placement

Brown v. Wilson County School Bd., 1196
Metropolitan Gov't of Nashville & Davidson County, Tenn. v. Cook, 1195
N. v. Brock [43,593], 874
Rapid City School Dist., 51-4 v. Vahle, 623

□ **Due Process**

Doe v. Alabama State Dep't of Educ., 1195
H. v. Tirozzi, 623
Harper v. School Admin. Dist. No. 37, 63
Independent School Dist. 623, Roseville, Minn. v. Digre, 154
Kerr Center Parents Assoc. v. Charles, 274
McCann, *In re* [45,524], 39
S. v. Ohio State Bd. of Educ. [42,416], 367
T., Caroline v. Hudson School Dist., 1192

□ **Emotionally Disturbed Children**

Clovis Unified School Dist. v. Office of Admin. Hearings, 623
McCann, *In re* [45,524], 39
Taylor v. Honig, 874

□ **Hearing Decisions**

Kantak v. Board of Educ., Liverpool Cent. School Dist. [45,619], 133

□ **Mainstreaming**

Liscio v. Woodland Hills School Dist., 623
Williams v. Gering Pub. Schools, 1396

□ **Parents' Rights**

Cordrey v. Euckert, 1309
Doe v. Defendant I, 389
H. v. Tirozzi, 623

□ **Private Schools**

Block v. District of Columbia, 1309
Kerr Center Parents Assoc. v. Charles, 274
M., Roland v. Concord School Comm., 1195

□ **Prompt Processing**

Harper v. School Admin. Dist. No. 37, 63

□ **Public Schools**

H., Lester v. Gilhool, 1195
S. v. Georgia Bd. of Educ. [45,152], 1160
S., Jeffrey v. Georgia Bd. of Educ. [45,152], 156

Programming

Cordrey v. Euckert, 1309
Pittsburgh Bd. of Educ. v. Pennsylvania Dep't of Educ., 1309

Records

Doe v. Southeastern Univ., 274

Special Education

Chester County Intermediate Unit v. Pennsylvania Blue Shield, 274
Howell v. Waterford Pub. Schools, 275
P., Christopher v. Marcus, 1192
S. v. Toguchi [45,021], 840
Waterman v. Marquette-Alger Intermediate School Dist., 750

Transportation

United States v. Board of Trustees for Univ. of Ala., 874

▪ Employment Discrimination

Cain v. Hyatt, 623
Hebert v. Aetna Indus., Inc., 158
Mashman v. Universal Match Corp., 63
McGann v. H&H Music Co., 1194

Definition of Qualified Individual

Dowden v. Tisch, 159
Finney v. Baylor Medical Center Grapevine, 874
Sanchez v. Lagoudakis, 750

Grievance Procedures

Burgess v. Your House of Raleigh, Inc., 158
Callicotte v. Cheney, 1193
Finney v. Baylor Medical Center Grapevine, 874

Rehabilitation Act

Dowden v. Tisch, 159

□ **Section 501**

Callicotte v. Cheney, 1193

□ **Section 504**

Kimble v. Hayes [45,623], 132

▪ Handicapped Children's Protection Act

Moore v. District of Columbia [45,053], 873

▪ Health Care Services

Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin., 874
Burke County Bd. of Educ. v. Denton, 158
Busalacchi, *In re* [46,370], 1377
Detsel v. Sullivan, 159
Glanz v. Vernick, 1309
Vigil v. Rhoades [41,874], 604, 853

▪ Institutionalization

C., P. v. McLaughlin, 1195
Nicoletti v. Brown, 874
Shaw v. Strackhouse, 1397

▪ Least Restrictive Alternative

Bogard v. Kustra [43,370], 366
R., D.E., *In re*, 623
S. v. Flaherty [38,533], 249

Community-Based Programs

□ **Zoning**

O'Connor v. Borough of McKees Rocks [45,749], 367

▪ Mentally Handicapped

Finney v. Baylor Medical Center Grapevine, 874
L. v. SSA [45,958], 737
Texas Employment Comm'n v. Torvik, 1402

Appropriate Education Programs

Doe v. Alabama State Dep't of Educ., 1195

Community Placement

S. v. Flaherty [38,533], 249

▪ Mentally Retarded

Alessi v. Pennsylvania Dep't of Pub. Welfare, 158
Armstead v. Coler [41,149], 1195
B., P.A., *In re*, 390
C., P. v. McLaughlin, 1195
Chasse v. Mazerolle [46,086], 841
Gentry v. Department of Pub. Health, 271
Johnson v. Employment Div., 1402
Liscio v. Woodland Hills School Dist., 623
Nicoletti v. Brown, 874
R., D.E., *In re*, 623
S. v. Flaherty [38,533], 249
Shaw v. Strackhouse, 1397
Society for Good Will to Retarded Children v. Cuomo [28,198], 622, 1196
Stamper v. Worford, 1396

Community Living Arrangements

A., S., *In re*, 1309
Bogard v. Kustra [43,370], 366
City of Westerville v. Kuehnert, 623
Mihalcik v. Lensink, 389
O'Connor v. Borough of McKees Rocks [45,749], 367
Zimmer v. Moon Township [45,573], 138

▪ Rehabilitation Act

Bogard v. Kustra [43,370], 366
Crocker v. Tennessee Secondary School Athletic Ass'n, 623
Jongquist, *In re*, 1196
Rothschild v. Grottenhaler, 873
S. v. Ohio State Bd. of Educ. [42,416], 367
S. v. Toguchi [45,021], 840
United States v. Board of Trustees for Univ. of Ala., 874

Due Process

Howell v. Waterford Pub. Schools, 275

Employment Discrimination

Callicotte v. Cheney, 1193
Dowden v. Tisch, 159
Kimble v. Hayes [45,623], 132

Mentally Retarded

Mrs. C. v. Wheaton, 1195

Private Right of Action

Glanz v. Vernick, 1309

Section 501

□ **Special Accommodations**

Callicotte v. Cheney, 1193

Section 504

Americans Disabled for Accessible Pub. Transp. v. District of Columbia Courts [45,571], 133
Busalacchi, *In re* [46,370], 1377
City Wide Assocs. v. Penfield [46,338], 1377
Doe v. Alabama State Dep't of Educ., 1195
Doe v. Southeastern Univ., 274
Duval Ass'n for Residential Care v. Bethea [46,083], 841
E. v. Martinez [45,828], 589
Glanz v. Vernick, 1309
Jordan v. Cincinnati Metro. Hous. Auth. [45,508], 137
Kimble v. Hayes [45,623], 132
Locascio v. City of St. Petersburg, 274
O'Connor v. Borough of McKees Rocks [45,749], 367
Rhodes v. Charter Hosp., 275
S. v. Georgia Bd. of Educ. [45,152], 1160
Samaroff v. Northeast Ill. Regional Commuter R.R. [45,244], 366
Sullivan v. Vallejo City Unified School Dist., 274

▪ Sterilization

Chasse v. Mazerolle [46,086], 841

▪ Transportation

Americans Disabled for Accessible Pub. Transit v. Greyhound Lines [45,523], 39

Public Transportation

□ **Accessibility**

Miller v. City of Detroit, 1398
Paralyzed Veterans of Am. v. Washington Metro. Area Transit Auth., 158

Samaroff v. Northeast Ill. Regional Commuter R.R. [45,244], 366

Welfare

Heath v. Schimke [46,053], 844
Johnson v. Employment Div., 1402
Le Verrier v. Perales [46,052], 844
McCartney v. Perales [46,054], 844

HEALTH

See also HILL-BURTON ACT, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, MEDICARE, MENTAL HEALTH

Curran v. Bosze [45,887], 835

AIDS

Alabama Dep't of Pub. Health v. Wells, 875
Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin., 874
Brunner v. Al Attar, 389
Burgess v. Your House of Raleigh, Inc., 158
Cain v. Hyatt, 623
Doe v. Borough of Barrington, 157
Doe v. Hirsch, 271
Doe v. Southeastern Univ., 274
Farmer v. Moritsugu, 1200
Glanz v. Vernick, 1309
Harris v. Thigpen, 64
Illinois v. Adams [46,213], 1150, 1283
Illinois v. St. John [46,371], 1372
Kupona Network v. Chicago Transit Auth. [46,369], 1371
Leckelt v. Board of Comm'rs of Hosp. Dist. No. 1., 874
McGann v. H&H Music Co., 1194
R., Benjamin v. Orkin Exterminating Co., 389
Rhodes v. Charter Hosp., 275
Sanchez v. Lagoudakis, 750
Solomon v. Munford, Inc. [45,859], 252
Walker v. Sumner, 1312
Welch v. Sheriff, Lubbock County, 627

Alcoholism

Treatment

□ **Cost**

Harris v. Contra Costa County [46,367], 1380

□ **Right to**

Harris v. Contra Costa County [46,367], 1380

Drug Abuse

Right to Treatment

Memorial Hosp. of South Bend v. Indiana Dep't of Pub. Welfare, 1398

Drugs

Burka v. New York City Transit Auth., 872, 1194, 1397
Oglesby v. Barry [45,472], 724

Hospitals

Access

□ **Indigents**

Evitt v. University Heights Hosp., 63
IHC Hosps., Inc. v. Board of Comm'rs of Bonneville County, 159
Jindo v. Carnegie [41,130], 136
Owens v. Nacogdoches County Hosp. Dist. [45,201], 593
Salinas v. Canyon County, 159

Collection Practices

Jindo v. Carnegie [41,130], 136

□ **Affirmative Defenses**

Memorial Hosp. of South Bend v. Connor [45,746], 369

Costs

IHC Hosps., Inc. v. Board of Comm'rs of Bonneville County, 159
Jongquist, *In re*, 1196
Salinas v. Canyon County, 159

Discrimination

Rhodes v. Charter Hosp., 275

Emergency Assistance

Cleveland v. Fulton County, 1196
Evitt v. University Heights Hosp., 63

Patient Dumping

Deberry v. Sherman Hosp. Ass'n, 874
Evitt v. University Heights Hosp., 63
Owens v. Nacogdoches County Hosp. Dist. [45,201], 593

Patients' Rights

C., A., *In re*, 624
Croft v. Harder, 156
Robbins v. Budke [45,784], 376

□ **Transfers**

Busalacchi, *In re* [46,370], 1377

Public Clinics

Cleveland v. Fulton County, 1196

Reimbursement

□ **Inpatient Care**

Jindo v. Carnegie [41,130], 136

Residency Requirements

IHC Hosps., Inc. v. Board of Comm'rs of Bonneville County, 159

Welfare Assistance

Memorial Hosp. of South Bend v. Connor [45,746], 369

Lead Poisoning

Roseberry v. United States, 624

Life-Sustaining Treatment

Deel v. Syracuse Veterans Admin. Medical Center, 159

Nutrition and Hydration

Browning, Guardianship of, *In re* [45,085], 1398
Busalacchi, *In re* [46,370], 1377
Cruzan v. Director, Mo. Dep't of Health [44,045], 590
Greenspan, Estate of, *In re* [45,086], 1196
Longeway, Estate of, *In re*, 159
Swan, *In re*, 159

Newborns

C., A., *In re*, 624

Nursing Homes

Valdivia v. California Dep't of Health Servs. [45,464], 1162, 1378

Conditions

Goldberg v. Kizer [46,172], 1164

Discharge

Martha T. Berry Memorial Medical Care Facility v. Michigan Dep't of Pub. Health [46,116], 844
Taylor v. White [46,011], 725

Eviction

Martha T. Berry Memorial Medical Care Facility v. Michigan Dep't of Pub. Health [46,116], 844

Federal Standards

Gray Panthers Advocacy Comm. v. Sullivan [40,913], 134

Indigents

Bukics v. Bukics, 273

Inspections

Clay County Manor v. Luna [45,887], 254, 584

Ombudsmen Program

Hoffman v. Otwell [43,837], 144

Patient Funds

Bukics v. Bukics, 273

Reform

Gray Panthers Advocacy Comm. v. Sullivan [40,913], 134

Regulation of

Gray Panthers Advocacy Comm. v. Sullivan [40,913], 134

Standard of Care

□ **State Monitoring**

Goldberg v. Kizer [46,172], 1164

Transfers

Martha T. Berry Memorial Medical Care Facility v. Michigan Dep't of Pub. Health [46,116], 844
Scott v. Morro Bay Hosp. [41,448], 594

□ **Transfer Trauma**

Chalfin v. Beverly Enters. Inc., 878

Records

Doe v. Southeastern Univ., 274

Right to Treatment

Busalacchi, *In re* [46,370], 1377
E. v. Martinez [45,828], 589

Sterilization

Involuntary Sterilization

□ **Incompetents**

Romero, *In re*, 624

HILL-BURTON ACT

See also HEALTH, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, MEDICARE

Regulations

Compliance

Owens v. Nacogdoches County Hosp. Dist. [45,201], 593

Standing to Sue

Flagstaff Medical Center v. Sullivan [44,758], 126, 833

Uncompensated Care

Flagstaff Medical Center v. Sullivan [44,758], 126, 833

HOMELESS

See HOUSING

HOUSING

See also ECONOMIC DEVELOPMENT, RELOCATION, ZONING

Brooke Amendment

Dansby v. Zanesville Metro. Hous. Auth. [46,147], 1169

Derrick v. Kemp [44,516], 1169
Miles v. Metropolitan Dade County [45,016], 1197
Miller v. Housing Auth. of Pekin [43,223], 42
Torres v. Housing Auth. of Hartford [45,588], 138

Condemnation and Eminent Domain

Prestonia Area Neighborhood Ass'n v. Abramson, 1310

Construction

Low- to Moderate-Income Housing

BanPonce Corp., *In re* [46,220], 1158
Britton v. Town of Chester [46,199], 1171

□ **Site Selection**

Davis v. City of Berkeley, 873
La Plaza Defense League v. Kemp, 1197

Demolition

Baylor v. HUD, 624, 1196
Dessin v. Housing Auth. of Fort Myers [46,139], 1168
Project B.A.S.I.C. v. Kemp [45,286], 258, 595, 1170
South San Francisco Hous. Action Comm. v. South San Francisco, Cal. [46,276], 1285
Velez v. Kemp [46,191], 1169
Walker v. HUD [42,158], 598, 1166

Discrimination

Arlington Park Race Track v. Illinois Human Rights Comm'n [45,747], 375
Bachman v. St. Monica's Congregation, 624
Butler v. Johnson [45,701], 370
Graham v. Montoya Assocs. [46,295], 1290
Jedlicka v. Baltimore County, Md. [45,732], 373
Mister v. A.R.K. Partnership, 625
Robertson v. Bethel Park Apartments [46,249], 1173

Approval of Low-Income Housing

Britton v. Town of Chester [46,199], 1171
Guyton v. City of Alameda [44,257], 127, 373

Fair Housing

Brindis v. California Dep't of Transp. [44,977], 45
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,262], 1291
Gadison v. Housing Auth. of Travis County [46,289], 1292
Project B.A.S.I.C. v. Kemp [45,286], 258, 595, 1170
Spann v. Carley Capital Group, 624
Stevens v. Kemp [45,871], 258
Tanner v. Johnson [46,303], 1298
Wahl v. Kemp [46,200], 1170

Handicapped Persons

Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin., 874
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,262], 1291
Cason v. Rochester Hous. Auth. [45,739], 371, 848
Clem v. Christole, Inc., 64
Duval Ass'n for Residential Care v. Bethea [46,083], 841
Familystyle of St. Paul v. St. Paul, Minn., 64, 1160
Jordan v. Cincinnati Metro. Hous. Auth. [45,588], 137
O'Connor v. Borough of McKees Rocks [45,749], 367
Pollock v. Weymouth Commons E. Assocs. [46,072], 850
Zimmer v. Moon Township [45,573], 138

Racial Discrimination

Bradley v. Carydale Enters., 276
D'Agnillo v. HUD, 751
Hawkins v. Kemp [45,465], 1168
Project B.A.S.I.C. v. Kemp [45,286], 258, 595, 1170
Southside Fair Hous. Comm. v. City of New York, 1307
Spann v. Carley Capital Group, 624
United States v. Rent Am. Corp., 624
Village of Bellwood v. Dwivedi, 160
Young v. Pierce [41,451], 1170

Single Parent

Wahl v. Kemp [46,200], 1170
Coker v. Sullivan, 632
Koster v. Perales [38,504], 357
L., *In re* [45,870], 262
M. v. Medford Hous. Auth. [45,719], 374
Savage v. Aronson [44,743], 393

Emergency Assistance

Shelters

Atchison v. Barry [44,155], 600
County of Contra Costa v. Superior Court of Cal., Contra Costa County [44,882], 43
Fountain v. Barry [45,724], 373, 1171
Wardlaw v. District of Columbia [45,870], 600
Y., *In re* [45,979], 731

□ **Closures**

Brock v. Board of Adjustment & Appeals of the City of Rock Hill, 1398
Jedlicka v. Baltimore County, Md. [45,732], 373

Fair Rental Housing Act

United States v. Rent Am. Corp., 624

Farmers Home Administration

FmHA Homeownership Programs

United States v. Gibbs [46,170], 1156

□ **Administrative Appeals Procedure**

Love v. United States, 1196
Williams v. Lyng [19,468], 596

□ **Breach of Loan Contract**

United States v. Gibbs [46,170], 1156

□ **Default in Mortgage**

Love v. United States, 1196

□ **Foreclosures**

Williams v. Lyng [19,468], 596

FmHA Rental Housing Program

Butler v. Johnson [45,701], 370

□ **Admissions**

Tanner v. Johnson [46,303], 1298

□ **Evictions**

Collins v. Yeutter [46,088], 847
National Partnership Management v. Owen [46,355], 1382
Tanner v. Johnson [46,303], 1298

□ **Leases**

Lifgren v. Yeutter [46,251], 1291

□ **Security**

Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

Foreclosures

Farm Credit Bank of Wichita v. Tselee [45,591], 144

Federal Housing Programs

Illinois Hous. Dev. Auth. v. Kemp [45,657], 257
Robertson v. Bethel Park Apartments [46,249], 1173
Young v. Pierce [41,451], 1170

Evictions

Capital Park Apartments v. Funderburke [46,349], 1382
Duval Ass'n for Residential Care v. Bethea [46,083], 841
Miles v. Metropolitan Dade County [45,016], 1197

□ **Grounds**

Gayton v. City of Olean Hous. Auth. [45,878], 598

□ **Procedures**

Caro v. Housing Auth. of Austin, 1310
Gayton v. City of Olean Hous. Auth. [45,878], 598
Hartford Homes v. Cruz [46,718], 373
Joy W. Manor Apartments v. Holley [45,882], 260
Lopez v. Nogales Hous. Auth. [46,188], 1167
National Partnership Management v. Owen [46,355], 1382
Ruffin v. Kemp [45,788], 370
Taylor v. Desire Community Hous. Corp. [46,376], 1381

Grievance Procedure

Lopez v. Nogales Hous. Auth. [46,188], 1167
Riverside Tenants Ass'n v. Kemp [46,137], 1167

HUD-Insured Mortgages

Johnson v. HUD [44,243], 1166
Neufeld v. HUD [46,073], 849

□ **Assignment Program**

Centrust Mortgage Corp. v. Williams [45,882], 257
Cronkhite v. Kemp [45,371], 599, 1370
Gray v. HUD [45,473], 1168
Williams v. Milburn [45,846], 257

□ **Private Cause of Action**

Thetford Properties IV Ltd. Partnership v. HUD [44,241], 875

□ **Servicing Requirements**

RCR Servs. v. Taylor [45,533], 46

Leases

□ **Unreasonable Provisions**

Heritage Hills, Ltd. v. Deacon [44,864], 275
Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth., 1398

Local Housing Authorities

Miles v. Metropolitan Dade County [45,016], 1197
Walker v. HUD [42,158], 598, 1166

□ **Hearing Decisions**

Ruffin v. Kemp [45,788], 370

Loss of Units

Dessin v. Housing Auth. of Fort Myers [46,139], 1168
Guyton v. City of Alameda [44,257], 127, 373

Management

□ **Failure to Make Repairs**

Duncan v. Sabal Palms I Assocs. [44,209], 595

Rent

Dansby v. Zanesville Metro. Hous. Auth. [46,147], 1169
Derrick v. Kemp [44,516], 1169

Repairs

□ **Failure to Make Repairs**

Tyler House Tenant Council v. Tyler House Apartments [42,409], 1172
Wallace v. Holy Temple Homes [46,138], 1168

Section 202

Duval Ass'n for Residential Care v. Bethea [46,083], 841

Section 221(d)(3)

Duncan v. Sabal Palms I Assocs. [44,209], 595
Guyton v. City of Alameda [44,257], 127, 373
Hartford Homes v. Cruz [46,718], 373
Neufeld v. HUD [46,073], 849

Section 236

Cook v. Amurcon Corp. [45,844], 601, 1172
Tyler House Tenant Council v. Tyler House Apartments [42,409], 1172

Site Selection

□ **Administrative Challenges**

La Plaza Defense League v. Kemp, 1197

Utilities

Rodriguez v. Cuomo [46,745], 378, 1400

□ **Utility Allowance**
Baum v. Yeutter [43,474], 589
Giles v. Housing Auth. of Frankfort [45,074], 257
Larry v. Yamauchi [45,867], 719, 1376
Zellous v. Broadhead Assocs., 747

▪ Homeless

Atchison v. Barry [44,155], 600
Brockton Family Counseling Center v. Phillips [45,634], 259
Coker v. Sullivan, 632
County of Contra Costa v. Superior Court of Cal., Contra Costa County [44,892], 43
Fountain v. Barry [45,724], 373, 1171
Goodwin v. Phelps [46,334], 1389
Hammond v. MacMahon [45,847], 613
Jedlicka v. Baltimore County, Md. [45,732], 373
Kemp v. Perales [46,019], 730
Koster v. Perales [38,504], 357
M. v. Medford Hous. Auth. [45,719], 374
Norman v. Johnson [44,465], 374
Project B.A.S.I.C. v. Kemp [45,286], 258, 595, 1170
Talevich v. Voss, 622
Wardlaw v. District of Columbia [45,870], 600
Washington State Coalition for the Homeless v. Thompson [44,223], 1186
Williams v. Department of Human Servs. [44,944], 59
Y., *In re* [45,979], 731
Young v. New York City Transit Auth., 157, 618

▪ Homesteading

Bly, *In re*, 750

▪ Landlord-Tenant

Griggs-Ryan v. Smith, 626
Hemetek v. Standish (*In re* Bush) [44,839], 126, 833

Charges and Fees

Bockelmann v. Marynick, 626
Highgate Assocs. v. Merryfield [45,382], 603

Code Violations

Baines v. Savage [45,486], 141
Dolezel v. Moles [46,013], 735
Hardy v. Griffin [46,032], 160, 730
United States v. Stazola, 64

□ **Condemnation**
Guzman v. Warda [46,305], 1295
McRae v. Smith [46,128], 1171

□ **Defense to Eviction**
P.H. Inv. v. Oliver [44,980], 48, 602
Mayor & Council of Laurel, Del. v. West [45,721], 375

□ **Enforcement**
Brady v. Levin [46,036], 734
California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850
McRae v. Smith [46,128], 1171

□ **Refusal to Correct**
Brady v. Levin [46,036], 734
California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850

Condominium Conversion

□ **Right of First Refusal**
Angry Tenants Against Conversion v. Woodland Manor Assocs. [43,873], 371

Consumer Protection Act

□ **Applicability of**
Heritage Hills, Ltd. v. Deacon [44,864], 275

Discrimination

Aloqaili v. National Hous. Corp., 1198
Cooper v. French, 1198

□ **Fair Housing**
Brindis v. California Dep't of Transp. [44,977], 45
Butler v. Johnson [45,701], 370
Givens v. Hamlet Estates [46,291], 1290
Mister v. A.R.K. Partnership, 625

□ **Racial**
Bradley v. Carydale Enters., 276
Givens v. Hamlet Estates [46,291], 1290

□ **Tenants with Children**
Arlington Park Race Track v. Illinois Human Rights Comm'n [45,747], 375
Robertson v. Bethel Park Apartments [46,249], 1173

Evictions

Butler v. Johnson [45,701], 370
Highgate Assocs. v. Merryfield [45,382], 603
Hollywood Park Assocs. v. Diaz [45,904], 143
Hollywood Park Assocs. v. Morales [45,599], 142
White v. Indiana Realty Assocs. II, 752
Yawn v. Greelish [46,289], 1295

□ **Affirmative Defenses**
Carlton v. Boucher [46,133], 1175
Mayor & Council of Laurel, Del. v. West [45,721], 375

□ **Constructive Eviction**
Baker v. Judkins [46,136], 1175
Johnson v. Hurley [45,973], 735

□ **Counterclaims**
Allen v. Simmons, 877
Mayor & Council of Laurel, Del. v. West [45,721], 375
Smith v. Justice of the Peace Court No. 1 [45,348], 852, 1282

□ **Damages**
Baker v. Judkins [46,136], 1175

□ **Defenses**
Burton v. Herriff [46,218], 1175
Collins v. Sanchez [46,146], 1175
Community Management v. Palmer [45,579], 142, 734
Crayton v. Hamilton [46,002], 733
Housing Auth. v. Terry, 390
Lacheta v. Hall [46,203], 1149, 1283
Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282
Mayor & Council of Laurel, Del. v. West [45,721], 375
O'Brien Properties v. Rodriguez [45,804], 602
P.H. Inv. v. Oliver [44,980], 48, 602
Reese Invs. v. Tucker [46,349], 1371
Sella v. Hahn Thi Vo [45,898], 243
Sisk v. Butler [45,816], 734

□ **Due Process**
Hartford Homes v. Cruz [45,718], 373
Chevalier v. Moon, 746

□ **Mobile Homes**
Mayor & Council of Laurel, Del. v. West [45,721], 375
Superior Mobile Homes v. Russell [45,521], 49

□ **Notice**
Mispillion Apartments v. Jones [46,383], 1384
United States v. Stazola, 64
Venetta v. Battle [46,347], 1384

□ **Payment and Acceptance of Rental Balance**
Superior Mobile Homes v. Russell [45,521], 49

□ **Rent**
Allen v. Simmons, 877
Capital Park Apartments v. Funderburke [46,348], 1382
Collins v. Sanchez [46,146], 1175
Huskey v. Asmann [45,814], 603
Mispillion Apartments v. Jones [46,383], 1384

□ **Rent Control**
Long Island College Hosp. v. Conde [45,514], 48

□ **Residential Hotels**
Carr v. Friends of the Homeless [45,884], 261

□ **Retaliatory**
Barry v. Rose [46,297], 1295
Bradley v. Carydale Enters., 276
Carlton v. Boucher [46,133], 1175
Dolezel v. Moles [46,013], 735
Metcalf v. County of Sutter, Cal. [46,187], 1174
Sisk v. Butler [45,816], 734
Todd's Mobile Court v. Matthews [45,852], 734
Venetta v. Battle [46,347], 1384

□ **Self-Help**
Gennings v. Newton [46,087], 852
Moitoso v. Blount Realty [45,967], 733
Thornton v. Butler [37,239], 64

□ **Settlement Agreements**
B. v. Revere Hous. Auth. [46,216], 1172
McRae v. Smith [46,128], 1171

□ **Stay Pending Appeal**
Reese Invs. v. Tucker [46,349], 1371

□ **Summary Proceedings**
Samuel v. King [46,351], 1384
Thornton v. Butler [37,239], 64

□ **Undesirable Tenants**
Ashford Chase Apartments v. Samaniego [45,502], 49

□ **Utility Termination**
Gennings v. Newton [46,087], 852

Late Charges

□ **Excessive Charges**
Highgate Assocs. v. Merryfield [45,382], 603

Late Payments

Cook v. Amurcon Corp. [45,844], 601, 1172

Lead Poisoning

Hardy v. Griffin [46,032], 160, 730
Pierre v. United States [46,084], 848

Leases

Bockelmann v. Marynick, 626
Brown v. Veile, 752

□ **Assignment**
Vaswani v. Wohletz, 1197

□ **Breach**
Ashford Chase Apartments v. Samaniego [45,502], 49
Bert Bidwell Inv. Corp. v. LaSalle & Schiffer, P.C., 1198
Henry S. Miller Management Corp. v. Houston State Assocs., 877

□ **Illegal Clauses**
Cook v. Amurcon Corp. [45,844], 601, 1172

□ **Misrepresentation by Landlord's Agent**
Givens v. Hamlet Estates [46,291], 1290
Mayor & Council of Laurel, Del. v. West [45,721], 375

□ **Renewal Options**
Idol v. Little, 1197

□ **Subleases**
Bert Bidwell Inv. Corp. v. LaSalle & Schiffer, P.C., 1198

□ **Termination**
O'Brien Properties v. Rodriguez [45,804], 602

Mobile Homes

Brown v. Veile, 752
Community Management v. Palmer [45,579], 142, 734
Evens v. Sagers [45,851], 263

Quiet Enjoyment

Henry S. Miller Management Corp. v. Houston State Assocs., 877

Rent

□ **Abandonment**
Bert Bidwell Inv. Corp. v. LaSalle & Schiffer, P.C., 1198

□ **Abatement**
Allen v. Simmons, 877
Baines v. Savage [45,486], 141

Collins v. Sanchez [46,149], 1175
Surratt v. Newton, 752

□ **Acceptance in Lieu of Eviction**
Chicago Hous. Auth. v. Ray [45,475], 139
Mispillion Apartments v. Jones [46,283], 1384

□ **Arrearages**
Barry v. Rose [46,287], 1295
Guzman v. Warda [46,306], 1295
Mayor & Council of Laurel, Del. v. West [45,721], 375
Vaswani v. Wohletz, 1197

□ **Increases**
Beechwood Gardens Tenants' Ass'n v. Department of Hous., 625
Sella v. Hahn Thi Vo [45,898], 243
Superior Mobile Homes v. Russell [45,521], 49

□ **Withholding**
Dolezel v. Moles [46,013], 735

Rent Control

□ **Constitutionality**
Azul Pacifico, Inc. v. City of Los Angeles, 876
Gilbert v. City of Cambridge, 1197

□ **Ordinances**
Gilbert v. City of Cambridge, 1197

Repairs

□ **Landlord's Duty**
Hardy v. Griffin [46,032], 160, 730
Mayor & Council of Laurel, Del. v. West [45,721], 375
Surratt v. Newton, 752

□ **Tenant's Duty**
Bockelmann v. Marynick, 626

Residential Hotels

□ **Eviction**
Universal Motor Lodges v. Holt [45,861], 261
Universal Motor Lodges v. Seignious [45,888], 261

□ **Status of Tenants**
Universal Motor Lodges v. Holt [45,861], 261
Universal Motor Lodges v. Seignious [45,888], 261

□ **Summary Proceedings**
Carr v. Friends of the Homeless [45,864], 261
Universal Motor Lodges v. Holt [45,861], 261
Universal Motor Lodges v. Seignious [45,888], 261

Security Deposits
Johnson v. Hurley [45,973], 735
Prevatte v. Asbury Arms Apartments [46,082], 832

Termination of Tenancy
Moitoso v. Blount Realty [45,957], 733
O'Brien Properties v. Rodriguez [45,804], 602

□ **Good Cause**
Ashford Chase Apartments v. Samaniego [45,502], 49
Henry S. Miller Management Corp. v. Houston State Assocs., 877

□ **Month-to-Month**
Bayview Found. v. Green [44,730], 43

□ **Notice**
Bayview Found. v. Green [44,730], 43

Torts

□ **Code Violations**
Allen v. Simmons, 877
California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850
Gennings v. Newton [46,087], 852

□ **Harassment**
Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

□ **Lockout**
Gennings v. Newton [46,087], 852

□ **Negligence**
Cooke v. Allstate Management Corp., 876

□ **Negligence Per Se**
Hardy v. Griffin [46,032], 160, 730

□ **Trespass**
Gennings v. Newton [46,087], 852

Unfair Practices
Allen v. Simmons, 877
California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850
Community Management v. Palmer [45,579], 142, 734
Yawn v. Greelish [46,289], 1295

Uniform Residential Landlord-Tenant Act
Prevatte v. Asbury Arms Apartments [46,082], 832

Utility Termination
Gennings v. Newton [46,087], 852
James v. Jordan [46,171], 1176
James v. St. Petersburg, Fla. [46,180], 1176
Robinson v. Michigan Consol. Gas Co., 1305

□ **By Landlord**
Chandley Enters., Inc. v. City of Evansville, 1400

Warranty of Habitability

□ **Breach**
Allen v. Simmons, 877
California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850
Dolezel v. Moles [46,013], 735
Gennings v. Newton [46,087], 852
Henry S. Miller Management Corp. v. Houston State Assocs., 877
Mayor & Council of Laurel, Del. v. West [45,721], 375
McRae v. Smith [46,128], 1171
P.H. Inv. v. Oliver [44,980], 48, 602

□ **Implied**
P.H. Inv. v. Oliver [44,980], 48, 602

Mobile Homes
Burton v. Herriff [46,219], 1175
Community Management v. Palmer [45,579], 142, 734

Breach of Lease
Superior Mobile Homes v. Russell [45,521], 49

Sites
Evens v. Sagers [45,851], 263

Taking of Property
Azul Pacifico, Inc. v. City of Los Angeles, 876
Pinewood Estates of Mich. v. Barnegat Township Leveling Bd., 275

Mortgages
Aitken v. Fleet Mortgage Corp. [45,741], 362
Lifgren v. Yeutter [46,251], 1291
Patterson v. Bowest Corp. [45,953], 711
Robinson v. Empire of Am. Realty Credit [45,978], 714

Foreclosure

□ **Appealable Judgment**
Harris v. P.S. Mortgage & Inv. Corp. [45,527], 35

□ **Defenses**
Goldome Credit Corp. v. Houston [45,889], 729
Harris v. P.S. Mortgage & Inv. Corp. [45,527], 35
Kirkham v. Hansen [46,217], 1174

□ **Equity**
Kirkham v. Hansen [46,217], 1174

□ **Redemption**
RCR Servs. v. Taylor [45,533], 46

□ **Sale**
Hardman v. Cain [46,286], 1293

National Housing Act
Kingston Square Tenants Ass'n v. HUD [45,110], 256

HUD-Insured Mortgages
Neufeld v. HUD [46,073], 849

Public Housing

Administration
Curtis v. Housing Auth. of Oakland [46,076], 846
Richmond Tenants Org. v. Kemp [45,828], 599, 1292

Admissions

□ **Eligibility**
Clemons v. Springfield Hous. Auth. [45,812], 600
Helson v. Housing Auth. of Bowling Green [46,359], 1381

□ **Standards**
Cason v. Rochester Hous. Auth. [45,739], 371, 848
Clemons v. Springfield Hous. Auth. [45,812], 600
Helson v. Housing Auth. of Bowling Green [46,359], 1381

Discrimination
Baylor v. HUD, 624, 1196

□ **Assignment of Apartments**
Walker v. HUD [42,158], 598, 1166

□ **Handicapped Persons**
Cason v. Rochester Hous. Auth. [45,739], 371, 848
Jordan v. Cincinnati Metro. Hous. Auth. [45,588], 137

□ **Racial**
Comer v. Kemp [45,360], 728
Hawkins v. Kemp [45,485], 1168
Project B.A.S.I.C. v. Kemp [45,288], 258, 595, 1170
Walker v. HUD [42,158], 598, 1166

□ **Site Selection**
Project B.A.S.I.C. v. Kemp [45,288], 258, 595, 1170

Evictions
Chicago Hous. Auth. v. Ray [45,475], 139
Fonseca v. Philadelphia Hous. Auth. (*In re* Fonseca) [45,594], 138
Housing Auth. of Decatur, Ga. v. Hawk [45,854], 260
Housing Auth. of Los Angeles v. Vargas [45,988], 729
Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth. [45,824], 599
United States v. The Leasehold Interest in 1-25 Astoria Blvd. [45,819], 597

□ **Defenses**
Cormier v. Housing Auth. of New Iberia [45,574], 124
Housing Auth. of Atlanta v. Warner [45,522], 45
Richmond Tenants Org. v. Kemp [45,828], 599, 1292

□ **Grievance Procedure**
Caro v. Housing Auth. of Austin, 1310
Collins v. Yeutter [46,088], 847
Housing Auth. of Jersey City v. Jackson, 1310
Perry v. Housing Auth. of Patterson, La. [45,576], 137

□ **Grounds**
Carrera v. Yepez [45,537], 44
Chicago Hous. Auth. v. Rose, 1310
Collins v. Yeutter [46,088], 847
Housing Auth. of Danville v. Newsome [45,538], 46
Jaramillo v. Hawaii Hous. Auth. [45,881], 261
Joy W. Manor Apartments v. Holley [45,862], 260
Minneapolis Pub. Hous. Auth. v. Greene, 1398
Sims v. Kemp [46,372], 1380
Turner v. Chicago Hous. Auth. [45,851], 596

□ **Loss of Units**
Dessin v. Housing Auth. of Fort Myers [46,139], 1168

□ **Procedures**
Brockton Family Counseling Center v. Phillips [45,834], 259
Caro v. Housing Auth. of Austin, 1310
Carr v. Friends of the Homeless [45,864], 261
Carrera v. Yepez [45,537], 44

Chicago Hous. Auth. v. Sifore [45,476], 46
Croak v. Schaffer [45,831], 597
Housing Auth. of Jersey City v. Jackson, 1310
Ibarra v. Housing Auth. of Corpus Christi, 750
Jaramillo v. Hawaii Hous. Auth. [45,881], 261
Joy W. Manor Apartments v. Holley [45,862], 260
Lopez v. Nogales Hous. Auth. [46,166], 1167
Perry v. Housing Auth. of Patterson, La. [45,578], 137
Richmond Tenants Org. v. Kemp [45,828], 599, 1292
Riverside Tenants Ass'n v. Kemp [46,137], 1167
Ruffin v. Kemp [45,788], 370
Simmons v. Kemp, 1398
Sims v. Kemp [46,372], 1380
Taylor v. Desire Community Hous. Corp. [46,376], 1381
Thornton v. District of Columbia [46,273], 1293
United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859], 597
United States v. A Leasehold Interest in Property Located at 884 S. Maple [45,858], 597, 848

Excess Charges-Late Charges

Housing Auth. of Atlanta v. Warner [45,522], 45

Grievance Procedure

Carrera v. Yepez [45,537], 44
Chicago Hous. Auth. v. Sifore [45,476], 46
Cormier v. Housing Auth. of New Iberia [45,574], 124
Croak v. Schaffer [45,831], 597
Ellis v. Mobile Hous. Bd. [45,546], 42
Lopez v. Nogales Hous. Auth. [46,166], 1167
Riverside Tenants Ass'n v. Kemp [46,137], 1167
Simmons v. Kemp, 1398
Wells v. Cincinnati Metro. Hous. Auth. [46,986], 729

Leases

Chicago Hous. Auth. v. Ray [45,475], 139
Chicago Hous. Auth. v. Rose, 1310
Housing Auth. of Decatur, Ga. v. Hawk [45,854], 260

□ **Unconscionable Clauses**

Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth., 1398

Local Housing Authorities

B. v. Revere Hous. Auth. [46,216], 1172
Clements v. City of Chester [45,882], 849
Clemons v. Springfield Hous. Auth. [45,812], 600
Corner v. Kemp [45,360], 728
Housing Auth. of Decatur, Ga. v. Hawk [45,854], 260
Housing Auth. of Jersey City v. Jackson, 1310
Turner v. Chicago Hous. Auth. [45,851], 596

□ **Adequate Notice of Suit**

Richmond Tenants Org. v. Kemp [45,828], 599, 1292

□ **Review of Hearing Decision**

Jaramillo v. Hawaii Hous. Auth. [45,881], 261

Loss of Units

Corner v. Kemp [45,360], 728

□ **Breach of Construction Contract**

Scruton v. HUD [46,353], 1381

□ **Demolition**

Baylor v. HUD, 624, 1196
Project B.A.S.I.C. v. Kemp [45,266], 258, 595, 1170
Velez v. Kemp [46,191], 1169

□ **Expiration of Annual Contribution Contract**

Scruton v. HUD [46,353], 1381

Management

□ **Brooke Amendment**

Curtis v. Housing Auth. of Oakland [46,076], 846

Procedural Protections

□ **Establishment of Policies**

Ruffin v. Kemp [45,788], 370

Rent

□ **Code Violations**

Concerned Tenants of Father Panik Village v. Kemp [42,862], 1167
Crane v. Kemp [44,578], 258
Torres v. Housing Auth. of Hartford [45,566], 138

□ **Excessive Rents**

Dansby v. Zanesville Metro. Hous. Auth. [46,147], 1169

□ **Increases**

Dansby v. Zanesville Metro. Hous. Auth. [46,147], 1169

Repairs

□ **Code Violations**

Clements v. City of Chester [45,882], 849
Concerned Tenants of Father Panik Village v. Kemp [42,862], 1167
Kingston Square Tenants Ass'n v. HUD [45,118], 256

□ **Defects Hazardous to Life, Health, and Safety**

Concerned Tenants of Father Panik Village v. Kemp [42,862], 1167
Housing Auth. of Atlanta v. Warner [45,522], 45
Kingston Square Tenants Ass'n v. HUD [45,118], 256

□ **Private Right of Action**

Kingston Square Tenants Ass'n v. HUD [45,118], 256

Security

Doe v. New Bedford Hous. Auth. [45,970], 730
Richmond Tenants Org. v. Kemp [45,828], 599, 1292
Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth. [45,824], 599
Summeries v. Chicago Hous. Auth. [45,004], 1291

□ **Liability for Criminal Acts of Others**

Chicago Hous. Auth. v. Rose, 1310
Housing Auth. of Decatur, Ga. v. Hawk [45,854], 260
Project B.A.S.I.C. v. Kemp [45,266], 258, 595, 1170

Site Selection

□ **Minority Concentrated Areas**

Project B.A.S.I.C. v. Kemp [45,266], 258, 595, 1170

Tenant Organization and Participation

□ **Tenant Participation**

Carrera v. Yepez [45,537], 44

Utilities

Binder v. New Mexico Human Servs. Dep't [46,007], 736, 854
Rodriguez v. Cuomo [45,745], 378, 1400

□ **Utility Allowance**

Giles v. Housing Auth. of Frankfort [45,074], 257
Larry v. Yamauchi [45,867], 719, 1376
Miller v. Housing Auth. of Pekin [43,223], 42

Warranty of Habitability

Doe v. New Bedford Hous. Auth. [45,970], 730

▪ Redlining

Insurance Companies

NAACP v. American Family Mut. Ins. [45,992], 713

▪ Rehabilitation

Elmwood Neighborhood Hous. Servs. v. Shartzer [45,547], 47

▪ Rent Control

Long Island College Hosp. v. Conde [45,514], 48

▪ Residential Hotels

Trustees of Paul Revere Realty Trust v. Revere License Comm'n, 875

▪ Section 8 Housing

Graham v. Montoya Assocs. [46,285], 1290
Illinois Hous. Dev. Auth. v. Kemp [45,857], 257

Admissions

Boykins v. Youngblood [46,169], 1171
Hill v. Richardson [44,284], 596

□ **Eligibility**

Gadison v. Housing Auth. of Travis County [46,289], 1292
George v. Housing Auth. of New Orleans [46,113], 1291
Operating a Business Out of a Section 8 Residence, *In re* [46,111], 851
Pollock v. Weymouth Commons E. Assocs. [46,072], 850
Stevens v. Kemp [45,671], 258
Walsh v. Iowa City Pub. Hous. Auth. [45,841], 595

□ **Procedural Protections**

Franklin v. Housing Auth. of Milwaukee [46,713], 372
M. v. Medford Hous. Auth. [46,719], 374

□ **Selection Procedures**

Gadison v. Housing Auth. of Travis County [46,289], 1292
George v. Housing Auth. of New Orleans [46,113], 1291
Glover v. Crestwood Lake Section 1 Holding Corp., 1197

Certification

Capitol Green Apartments v. Robinson [45,852], 730
Operating a Business Out of a Section 8 Residence, *In re* [46,111], 851
Smith v. HUD [45,403], 43
Wagner v. City of Oak Park Heights, Minn. [45,858], 260

□ **Termination**

Bratcher v. Housing Auth. of North Chicago [46,373], 1380
Foster v. Johnson [45,736], 370
George v. Housing Auth. of New Orleans [46,113], 1291
Hill v. Richardson [44,284], 596
Jackson v. Central Tex. Hous. Assistance Programs [46,288], 1292
McGauley, *In re* [45,893], 731
Rice v. Sharp [45,897], 728
Rojas v. Freda [45,000], 42
Savage-Wright v. Mercer County Hous. Auth. [46,141], 1169, 1382

Discrimination

Gadison v. Housing Auth. of Travis County [46,289], 1292
Glover v. Crestwood Lake Section 1 Holding Corp., 1197
Pollock v. Weymouth Commons E. Assocs. [46,072], 850
Stevens v. Kemp [45,671], 258
Wagner v. City of Oak Park Heights, Minn. [45,858], 260
Wahl v. Kemp [46,200], 1170
Walker v. HUD [42,159], 598, 1166

Evictions

B. v. Revere Hous. Auth. [46,216], 1172
Bratcher v. Housing Auth. of North Chicago [46,373], 1380
Collins v. Yeutter [46,066], 847
East Lake Management & Dev. Corp. v. Irvin [43,479], 275
Mayfield Management v. Haverty [45,866], 731
Woodland Manor Apartments v. Rodriguez [46,058], 850

□ **Defenses**

Comfed Sav. Bank v. Doucette [45,589], 140
Young v. Rohadfox [46,818], 140

□ **Due Process**

Foster v. Johnson [45,736], 370

□ **Good Cause**

Comfed Sav. Bank v. Doucette [45,589], 140

□ **Notices**

Bayview Found. v. Green [44,730], 43
Maddox v. Justice of the Peace Court No. 1 [45,583], 139, 710, 1282
Magliocco v. Adams [46,363], 1382

Excess Charges-Late Charges

Boykins v. Youngblood [46,169], 1171
Cook v. Amurcon Corp. [45,844], 601, 1172

Duncan v. Sabal Palms I Assocs. [44,209], 595
Missouri *ex rel.* Ross v. Housing Auth. of St. Louis County [45,581], 139

Financing

Pedraza v. Springfield Hous. Auth. [46,209], 1172

Grievance Procedures

Missouri *ex rel.* Ross v. Housing Auth. of St. Louis County [45,581], 139

Leases

Cook v. Amurcon Corp. [45,844], 601, 1172
McGauley, *In re* [45,883], 731

□ **Landlord's Refusal to Renew**

Angry Tenants Against Conversion v. Woodland Manor Assocs. [43,873], 371
Kendzierski v. Goodson [43,188], 372

□ **Termination**

Bayview Found. v. Green [44,730], 43
Comfed Sav. Bank v. Doucette [45,589], 140
East Lake Management & Dev. Corp. v. Irvin [43,478], 275
Kendzierski v. Goodson [43,188], 372
Magliocco v. Adams [46,263], 1382
Rojas v. Freda [45,090], 42

Local Housing Authority

Comer v. Kemp [45,380], 728
Cook v. Amurcon Corp. [45,844], 601, 1172
Pedraza v. Springfield Hous. Auth. [46,209], 1172

□ **Functions**

Wagner v. City of Oak Park Heights, Minn. [45,858], 260

□ **Review of Hearing Decision**

Foster v. Johnson [45,736], 370
Franklin v. Housing Auth. of Milwaukee [45,713], 372
M. v. Medford Hous. Auth. [45,719], 374

□ **Sueable Entities**

Crosby v. Kotch, 1310
Glover v. Crestwood Lake Section 1 Holding Corp., 1197

Loss of Units

Pollock v. Weymouth Commons E. Assocs. [46,072], 850
Scruton v. HUD [46,353], 1381

□ **Landlord's Refusal to Renew Contract**

Angry Tenants Against Conversion v. Woodland Manor Assocs. [43,873], 371
Kendzierski v. Goodson [43,188], 372

Management

Duncan v. Sabal Palms I Assocs. [44,209], 595

Procedural Protections

□ **Waiting Lists**

Walsh v. Iowa City Pub. Hous. Auth. [45,841], 595

Reasons for Rejection

Walsh v. Iowa City Pub. Hous. Auth. [45,841], 595

Rent

Boykins v. Youngblood [46,169], 1171
Cook v. Amurcon Corp. [45,844], 601, 1172
East Lake Management & Dev. Corp. v. Irvin [43,478], 275
George v. Housing Auth. of New Orleans [46,113], 1291
Pedraza v. Springfield Hous. Auth. [46,209], 1172
Rice v. Sharp [45,897], 728
Young v. Rohadfox [45,818], 140

□ **Computation**

Crane v. Kemp [44,576], 258

□ **Increases**

Capitol Green Apartments v. Robinson [45,952], 730
Kendzierski v. Goodson [43,188], 372
Mayfield Management v. Haverty [45,868], 731

Repairs

Cook v. Amurcon Corp. [45,844], 601, 1172
Duncan v. Sabal Palms I Assocs. [44,209], 595
Franklin v. Housing Auth. of Milwaukee [45,713], 372
Missouri *ex rel.* Ross v. Housing Auth. of St. Louis County [45,581], 139
Young v. Rohadfox [45,818], 140

□ **Code Violations**

Wallace v. Holy Temple Homes [46,138], 1168

□ **Defects Hazardous to Life, Health, and Safety**

Wallace v. Holy Temple Homes [46,138], 1168

Security Deposits

Cook v. Amurcon Corp. [45,844], 601, 1172

Site Selection

□ **Administrative Challenges**

Wagner v. City of Oak Park Heights, Minn. [45,858], 260

Tenant Organization and Participation

Wallace v. Holy Temple Homes [46,138], 1168

Utilities

Duquette v. Housing Auth. of Woonsocket, R.I. [45,709], 372
Larry v. Yamauchi [45,897], 719, 1376

□ **Termination**

Jackson v. Central Tex. Hous. Assistance Programs [46,289], 1292

▪ Single-Room Occupancy Hotels

Carr v. Friends of the Homeless [45,664], 261
Crayton v. Hamilton [46,002], 733
Smith v. Federal Emergency Management Agency [45,872], 547
Trustees of Paul Revere Realty Trust v. Revere License Comm'n, 875

ILLEGITIMATE CHILDREN

See also DEPENDENT AND NEGLECTED CHILDREN, DOMESTIC RELATIONS

▪ Adoptions

R., H., *In re*, 1306

Consent

Biel, *In re* [46,152], 1157
Bliuvas v. Biel [46,153], 1157

□ **Unwed Parents**

S., B.G., Adoption of, *In re*, 157
Swayne v. L.D.S. Social Servs. [45,827], 587

Notice

S., B.G., Adoption of, *In re*, 157

▪ Birth Certificates

Name on Certificate

Byrd v. Leavitt [45,849], 586
Henne v. Wright, 618
Jones v. Roberts, 619
Mistretta v. Mistretta, 1306
S., B.G., Adoption of, *In re*, 157

▪ Child Support

Watson v. Hampton, 1395

Adjudication of Issue

Bradley v. Division of Child Support Enforcement, 1306
Childerson v. Hess, 748
White v. Winston, 748

Parents' Liability

Burrow v. Vrontikis, 273
Childerson v. Hess, 748
Erwin v. Everard, 619
Kansas v. Rupert, 386
S., J., *In re*, 157

Paternity

Bradley v. Division of Child Support Enforcement, 1306
Bratcher, Paternity of, *In re*, 272
Burrow v. Vrontikis, 273
Carter v. Morrow, 1395
Dennis v. Florida Dep't of Health & Rehabilitative Servs., 1306
Donato v. Corrado, 870
Florida Dep't of Health & Rehabilitative Servs. v. Sadiki, 619
Kansas v. Rupert, 386
Mistretta v. Mistretta, 1306
S., J., *In re*, 157

Reimbursement to Parent

□ **Past Support**

Bratcher, Paternity of, *In re*, 272

□ **Past Support**

Burrow v. Vrontikis, 273
Carter v. Morrow, 1395

Uniform Reciprocal Enforcement of Support Act

White v. Winston, 748

▪ Father's Rights

Biel, *In re* [46,152], 1157
Bliuvas v. Biel [46,153], 1157
Erwin v. Everard, 619
Florida Dep't of Health & Rehabilitative Servs. v. Sadiki, 619
Johnson v. Herrington [45,637], 247
Meacham, *In re* [46,247], 1156
R., H., *In re*, 1306
Thirsk v. Thornton [46,061], 837
Upmann v. Terhark, 870

Termination

Swayne v. L.D.S. Social Servs. [45,827], 587

□ **Consent**

S., B.G., Adoption of, *In re*, 157

▪ Inheritance Rights

Prudential Ins. Co. of Am. v. Moorhead, 272

Intestate

White, Estate of, *In re* [45,787], 364

Proof of Paternity

Taxiera v. Malkus, 869
White, Estate of, *In re* [45,787], 364

▪ Jurisdiction of Proceedings

Massachusetts Dep't of Revenue v. LaFratta, 1306

▪ Ligitimation

Automatic

Dennis v. Florida Dep't of Health & Rehabilitative Servs., 1306

▪ Name Changing

Jones v. Roberts, 619

▪ Paternity

Carter v. Morrow, 1395
Johnson v. Herrington [45,837], 247
S., J., *In re*, 157

Acknowledgment

Florida Dep't of Health & Rehabilitative Servs. v. Sadiki, 619
M., John v. Paula T., 387
Meacham, *In re* [46,247], 1156

Action by Child

Maller v. Cohen [41,221], 247

Appeal and Review

Brezinsky v. Chervinko, 61
Riley v. Alabama *ex rel.* White, 881

□ **Indigents**

S., P.L., Paternity of, *In re*, 1396

Blood Tests

Alabama *ex rel.* Smith v. Roberson, 870
Boyles v. Clements, 868
Cabinet for Human Resources *ex rel.* Brewer v. Merida [45,995], 837
Denbow v. Harris, 1394
Department of Human Resources v. Brown, 1307
Department of Human Resources v. Crosby, 62
Department of Revenue v. Sorrentino, 869
Ferguson v. Williams, 1191
Florida Dep't of Health & Rehabilitative Servs. v. Sadiki, 619
Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734], 365
Kemph v. Nolan, 1191
Ross v. Moore, 272
Stiles v. Bargeron, 619
Vidal v. Rivas, 272
Weber v. York [45,567], 131
White, Estate of, *In re* [46,787], 364

□ **Father's Rights**

Bratcher, Paternity of, *In re*, 272
M., John v. Paula T., 387
S., S. v. E.S., 871

Criminal Warrant for Nonsupport

Kansas v. Rupert, 386
Massachusetts Dep't of Revenue v. LaFratta, 1306

Evidence

Alabama *ex rel.* Smith v. Roberson, 870
Boyles v. Clements, 868
Cabinet for Human Resources *ex rel.* Brewer v. Merida [45,995], 837
Department of Human Resources v. Crosby, 62
Ferguson v. Williams, 1191
Kansas v. Rupert, 386
Ross v. Moore, 272
Schmitz v. Stransky, 620
Stiles v. Bargeron, 619
Weber v. York [45,567], 131
White, Estate of, *In re* [45,787], 364

Expenses of Pregnancy

Donato v. Corrado, 870
Jones v. Roberts, 619
Seibert, *In re*, 1187

Father's Standing

C., C. v. A.B., 157
Upmann v. Terhark, 870

Judicial Findings

Alabama *ex rel.* Smith v. Roberson, 870

Jurisdiction of Proceedings

Taxiera v. Malkus, 869

Right to Counsel

Schmitz v. Stransky, 620

□ **Indigents**

Allen v. Division of Child Support Enforcement, 748
Maine Dep't of Human Servs. v. Tarvers [43,952], 587
S., P.L., Paternity of, *In re*, 1396

Standard of Proof

C., C. v. A.B., 157
Ferguson v. Williams, 1191
Kansas v. Rupert, 386
Middlesex County Bd. of Social Servs. v. G.G., 62

Statute of Limitations

Burrow v. Vrontikis, 273
Johnson v. Ladner, 869
Maller v. Cohen [41,221], 247
Marcy v. McCommons, 1396

▪ Presumption of Legitimacy

Dennis v. Florida Dep't of Health & Rehabilitative Servs., 1306

Mother Married at Child's Birth

Byrd v. Leavitt [45,848], 586
C., C. v. A.B., 157
Denbow v. Harris, 1394
M., John v. Paula T., 387

▪ Social Security

Childerson v. Hess, 748
Kinney v. Sullivan, 1203

Deceased Wage Earner

Orsini v. Sullivan, 754

Survivors' Benefits

Becker v. Secretary of HHS, 162
Brady v. Sullivan [43,892], 156
Orsini v. Sullivan, 754

□ **Acknowledgment of Child**

Parker v. Sullivan, 64

□ **State Intestate Succession Laws**

DeSonier v. Sullivan, 754

□ **Support Requirements**

Bennemon v. Sullivan, 1201

▪ Uniform Parentage Act

Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734], 365

▪ Veterans' Benefits

Prudential Ins. Co. of Am. v. Moorhead, 272

▪ Visitation Rights

Pittman v. Jones, 748
R., C.E., *In re*, 1396

▪ Welfare

Bradley v. Division of Child Support Enforcement, 1306

IMMIGRATION

See also ALIENS, MIGRANTS

▪ Alien Registration

Proof of Citizenship

Intercommunity Center for Justice & Peace v. INS, 868

▪ Ascertainment of Status

Bennetto v. Illinois Dep't of Pub. Aid, 275
Hernandez v. Cremer [44,584], 1197
Pandanzyla v. Perales [45,652], 269

▪ Border Patrol Agent

Hernandez v. Cremer [44,584], 1197

▪ Classification

Bright v. Parra, 1310
Escobar v. INS, 275
Galindo v. Keen [45,994], 732

▪ Deportation

Ardestani v. INS, 616
Orantes-Hernandez v. Thornburgh [32,768], 1310
United States v. Rangel-Navarro, 747

Bonds

□ **Parole Status**

National Center for Immigrants' Rights v. INS [35,810], 1197

Child

Flores v. Meese [39,865], 751
Pandanzyla v. Perales [45,652], 269

Nonresident Alien Spouse

Escobar v. INS, 275
Manwani v. United States Dep't of Justice, 625

Political Asylum

De Valle v. INS, 625
Pierre, *In re* [44,872], 851
Umanzor-Alvarado v. INS, 160

Right to Counsel

Michelson v. INS, 275

Suspension of Deportation

Michelson v. INS, 275

▪ Detention

Children of Undocumented Parents

Flores v. Meese [39,865], 751

▪ Discrimination

United States v. Todd Corp., 390

▪ Legalization

Castillo v. Jackson [46,256], 1293
Galindo v. Keen [45,994], 732

Seasonal Agricultural Workers

Morales v. Yeutter [43,893], 601
Northwest Forest Workers Ass'n v. Yeutter [42,653], 140
Wint v. Yeutter, 625

▪ Permanent Resident Visas

Etuk v. Blackman [46,144], 1173

Employment Requirements

□ **Citizenship**

United States v. Todd Corp., 390

IN FORMA PAUPERIS

▪ Affidavit of Indigency Requirement

Matthews v. Gaither, 617

- **Appeals**

Audet v. Koier [46,151], 1148

Costs

Sansom v. Sprinkle, 1393
Schulz v. North Dakota Dep't of Human Servs. [45,391], 34

- **Claims for Money Damages**

Lewis v. Fulwood, 156

- **Commencement of Action**

Roman v. Jeffes, 617

- **Court Costs**

Ward v. Rosenfeld, 1305

Filing Fees

□ **Civil Action**

Lewis v. Fulwood, 156

- **Denial**

Matthews v. Gaither, 617
Woods v. Dahlberg, 156

- **Discovery Costs**

Hodge v. Prince, 271

- **Frivolous Claims**

Divers v. Department of Corrections, 1400
Lewis v. Fulwood, 156
Nitcher v. Cline, 390
Roman v. Jeffes, 617

- **Transcripts**

Audet v. Koier [46,151], 1148
Schulz v. North Dakota Dep't of Human Servs. [45,391], 34

INCOME TAX

See TAXES

INDIANS

See NATIVE AMERICANS

INSURANCE

Griffin Sys. v. Ohio Dep't of Ins. [45,771], 1154
Morton v. Safeco Ins. Co., 751

- **Burials**

Vance v. Gaines & Sons Funeral Home [45,854], 585

- **Credit Life and Disability**

Costs

Shellman v. Investors Nat'l Life Ins. [45,774], 1154

Discrimination

□ **Sex**

Prudential Ins. Co. v. Iowa Civil Rights Comm'n [30,869], 272

- **Health**

Chester County Intermediate Unit v. Pennsylvania Blue Shield, 274
Cramer v. Association Life Ins. Co., 1398
Geller v. Blue Cross & Blue Shield of Mich. [45,888], 726

Discrimination

McGann v. H&H Music Co., 1194
Solomon v. Munford, Inc. [45,859], 252

Rate Increases

Etherington v. Bankers Life & Casualty Co., 1312
Mansfield v. Michigan Ins. Bureau [44,958], 255

- **Life**

Prudential Ins. Co. of Am. v. Moorhead, 272
Prudential Ins. Co. v. Iowa Civil Rights Comm'n [30,869], 272
Vance v. Gaines & Sons Funeral Home [45,854], 585

- **Rates**

Etherington v. Bankers Life & Casualty Co., 1312
Shellman v. Investors Nat'l Life Ins. [45,774], 1154

- **Redlining**

NAACP v. American Family Mut. Ins. [45,992], 713

JAILS

See PRISONS

JUDGES

- **Disqualification**

Patterson v. R.T., 271
Patterson v. T. [43,388], 33

JURIES

- **Instructions**

Bachman v. St. Monica's Congregation, 624
Housing Auth. of Los Angeles v. Vargas [45,988], 729
Mayor & Council of Laurel, Del. v. West [45,721], 375
Village of Bellwood v. Dwivedi, 160

- **Jury Trial**

Right to

Chicago Hous. Auth. v. Sifore [45,478], 46
Hoops v. United Tel. Co., 389
Lytle v. Household Mfg., 155
Richter v. Fairbanks, 747
Walton v. Cowin Equip. Co., 388

Timeliness of Demand

Chicago Hous. Auth. v. Sifore [45,478], 46

JUVENILE COURTS

- **Appeals**

W., T., *In re*, 386

- **Confessions**

Admissibility

Massachusetts v. A Juvenile [45,538], 48

- **Due Process**

Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197

- **Jurisdiction**

B., F., *In re*, 1399
Brown v. Brown, 1394
Department of Social Servs. v. Johnson, 876
H., K., *In re*, 1311
Marchant, *In re*, 751
S., *In re*, 1196
S., M.L., *In re*, 877

- **Miranda Rights**

Waiver

Massachusetts v. A Juvenile [45,538], 48

- **Right to Counsel**

Public Defenders

M. v. City of Philadelphia [45,678], 262

JUVENILE INSTITUTIONS

- **Access to Counsel**

L. v. Adams [45,589], 140
Shookoff v. Adams, 1311

- **Access to Courts**

L. v. Adams [45,589], 140
Shookoff v. Adams, 1311

- **Confinement**

Conditions

A. v. McCoy [46,287], 1294

- **Placement**

H., V., *In re*, 626

- **Recreation**

A. v. McCoy [46,287], 1294

JUVENILES

See also ADOPTION, DEPENDENT AND NEGLECTED CHILDREN, ILLEGITIMATE CHILDREN

- **Confinement**

A. v. McCoy [46,287], 1294

- **Consent Requirements**

Medical Care and Treatment

National Center for Youth Law v. LSC [45,500], 357, 832
Swan, *In re*, 159

- **Discrimination**

Arlington Park Race Track v. Illinois Human Rights Comm'n [45,747], 375

- **Interrogation**

Miranda Warning

□ **School Officials**

Massachusetts v. A Juvenile [45,538], 48

- **Parental Rights and Obligations**

B., P.A., *In re*, 390
M., *In re*, 390
Millspaugh v. Wabash County Dep't of Pub. Welfare, 1197

▪ Runaways

G., *In re* [46,004], 732

▪ Treatment

W., A.L., *In re*, 164

▪ Treatment

Right to Treatment

A. v. McCoy [46,287], 1294

LANDLORD-TENANT

See HOUSING

LANGUAGE DISCRIMINATION

▪ Bilingual-Bicultural Education

League of United Latin Am. Citizens v. Florida Bd. of Educ. [46,028], 718

▪ Court Procedures

Interpreter Services

Kim v. Kim, 871

▪ Hearings

Right to Interpreter

El Rescate Legal Servs., Inc. v. Executive Office for Immigration Review, 64

▪ Notices

Rubio, *In re* [45,877], 256

LEGAL SERVICES

See also ATTORNEY FEES, ATTORNEYS

Rosario v. Livaditis [44,042], 31

▪ Clients

Funds

California Rural Legal Assistance v. LSC [44,700], 61, 1145

Suspension of Court Costs

Metropolitan Dade County v. Malloy [45,702], 358

▪ Delivery of Services

California Rural Legal Assistance v. LSC [44,700], 61, 1145

Caseload Priorities

Texas Rural Legal Aid v. LSC [45,430], 581

▪ Funding

Termination

Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,885], 242

□ Retaliation

National Center for Youth Law v. LSC [45,500], 357, 832
Texas Rural Legal Aid v. LSC [45,768], 358

▪ Judicial Review of Legal Services Corporation Decisions

California Rural Legal Assistance v. LSC [44,700], 61, 1145
Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,885], 242
National Center for Youth Law v. LSC [45,500], 357, 832

▪ Political Restrictions

National Center for Youth Law v. LSC [45,500], 357, 832
Texas Rural Legal Aid v. LSC [45,768], 358
Texas Rural Legal Aid v. LSC [45,430], 581

▪ Refunding

Texas Rural Legal Aid v. LSC [45,768], 358

▪ Regulations

California Rural Legal Assistance v. LSC [44,700], 61, 1145
Texas Rural Legal Aid v. LSC [45,430], 581

▪ Unions

Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,885], 242

LIENS

▪ Welfare

Thurston v. Durose, 1403

MEDICAID

Beckwith v. Kizer [43,794], 1196

▪ Adequacy of Benefits

Catanzano v. Richardson [45,058], 39, 250
Charpentier v. Kizer [45,810], 591, 1162
Sneede v. Kizer [44,887], 368, 722, 1162, 1378

▪ Administration

Irvin v. Nelson [46,003], 727, 1166

Judicial Review

Person v. Dep't of Social Servs., 390
Yates v. North Carolina Dep't of Human Resources, 386

Policymaking Decisions

Willey v. Ives [39,830], 592

State Programs

Pottgieser v. Kizer [42,597], 750
R. v. Concannon [45,748], 376
Savenko v. Graham [45,597], 134
We Who Care v. Commissioner, Me. Dep't of Human Servs. [46,024], 724

□ Notice of Action Taken

Rehnberg v. Aronson [45,788], 382
Rubio, *In re* [45,877], 256
Weaver v. Colorado Dep't of Social Servs. [45,809], 135

□ Reimbursement Procedures

Westmiller v. Sullivan [42,721], 41

▪ Applications

Savenko v. Graham [45,597], 134

Denials

Caruso v. Sullivan [45,843], 251
Cook v. Hairston, 624

Procedures

Alexander v. Flaherty [13,475], 1183
Alvarez v. Aronson [46,198], 1181
Cook v. Hairston, 624
Irvin v. Nelson [46,003], 727, 1166

▪ Available Income

Barile v. Aronson [46,302], 1287
Doran v. Department of Health & Rehabilitative Servs. [45,951], 726
Emerson v. Wynia [46,343], 1378
Mowbray v. Kozlowski [45,170], 40, 1161

Community Property

Cherry v. Magnant [45,809], 591
Van Gilder v. Valdez [45,887], 252, 593

Computation

Crider v. Department of Health & Rehabilitative Servs., 63
Kaw v. Commissioner, Me. Dep't of Human Servs. [45,849], 591
Sherman v. Griepentrog [45,811], 592

Cost-of-Living Increases

Noland v. Sullivan [46,246], 1163

Deeming

Caruso v. Sullivan [45,843], 251
Cazier v. Bowen [44,786], 242
Sneede v. Kizer [44,887], 368, 722, 1162, 1378

□ Noninstitutionalized Spouse

Whitehouse v. Ives, 624

Income Disregards

Salinas v. Canyon County, 159

Medical Care Costs

Glover v. Johnson [44,864], 1163
Sherman v. Griepentrog [45,811], 592

Property Investments

Marsh v. Vigo County Dep't of Pub. Welfare, 624
Salinas v. Canyon County, 159

Social Security Benefits

Moyer v. Mongan [45,818], 592

Spend Down

Johnson v. Department of Pub. Aid, 64
Smith v. Concannon [45,037], 1161

□ Excess Resources

Bemowski v. Commonwealth of Pa. Dep't of Pub. Welfare, 1310
Darling v. Sullivan [42,592], 360, 841, 1281
Finger v. Indiana Dep't of Pub. Welfare [45,807], 594
Harriman v. Commissioner, Me. Dep't of Human Servs. [45,835], 591
Kempson v. North Carolina Dep't of Human Resources, 1310
Westmiller v. Sullivan [42,721], 41

□ Method of Determining

Flowers v. Illinois Dep't of Pub. Aid [46,313], 1289
Hunt v. Kizer [44,781], 721, 842
Kizer v. Sullivan [45,849], 251
Noland v. Sullivan [46,246], 1163
Tite v. Kustra [46,314], 1289

□ OASDI Recipients

Flowers v. Illinois Dep't of Pub. Aid [46,313], 1289
Tite v. Kustra [46,314], 1289

Third-Party Resources

Sneede v. Kizer [44,887], 368, 722, 1162, 1378

Transfer of Assets

Miller v. Ibarra [46,154], 1163

Trust Funds

Miller v. Ibarra [46,154], 1163

▪ Catastrophic Medical Programs

Cone v. Babcock [44,615], 255

Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845
Savenko v. Graham [45,597], 134

Cutbacks

Notice

Linton v. Commissioner of Health & Env't of Tenn. [42,987], 254, 725
Richard v. Commissioner of Income Maintenance, 617

Delays

Brown v. Luna [43,349], 41, 252

Drugs

Visser v. Taylor [46,089], 843

Co-payments

We Who Care v. Commissioner, Me. Dep't of Human Servs. [46,024], 724

Early and Periodic Screening, Diagnosis, and Treatment Program

Matthews v. Kizer [46,283], 1286

Eligibility

Andriola v. Kizer [45,617], 135
Barile v. Aronson [46,302], 1287
Bennetto v. Illinois Dep't of Pub. Aid, 275
Bowers v. Thompson [45,857], 594, 1165
Brown v. Department of Social Welfare, 275
Caruso v. Sullivan [45,943], 251
Cone v. Babcock [44,815], 255
Disabled Rights Union v. Kizer, 1202
Harriman v. Commissioner, Me. Dep't of Human Servs. [45,835], 591
Hunt v. Kizer [44,761], 721, 842
Irvin v. Nelson [46,003], 727, 1166
Martinez v. Ibarra [45,276], 842
Meusberger v. Palmer [44,868], 250, 367
Mowbray v. Kozlowski [45,170], 40, 1161
Moyer v. Mongan [45,818], 592
Noland v. Sullivan [46,246], 1163
Person v. Dep't of Social Servs., 390
Rubio, *In re* [45,677], 256
Savenko v. Graham [45,597], 134
Sebastian v. Commissioner of Human Servs. of Tenn. [46,249], 1184
Walker v. Department of Health & Rehabilitative Servs. [45,071], 64
Weaver v. Colorado Dep't of Social Servs. [45,808], 135

Timely Determination

Brown v. Luna [43,349], 41, 252
Garcia v. Board of Supervisors of Los Angeles County [46,008], 722
Richardson v. Ramsey [46,284], 1288
See Moua v. Goodrich [45,219], 1184

Emergency Assistance

Dominguez v. Superior Court of Cal., Alameda County [45,863], 594, 725

Federal Regulations

Clark v. Kizer [43,105], 1162
Disabled Rights Union v. Kizer, 1202

Financial Eligibility

Bernowski v. Commonwealth of Pa. Dep't of Pub. Welfare, 1310
Hunt v. Kizer [44,761], 721, 842
Kaw v. Commissioner, Me. Dep't of Human Servs. [45,849], 591

Transfer of Assets

Willey v. Ives [39,830], 592

Hearings

Malone v. Kustra [46,016], 740
Oglesby v. Barry [45,472], 724
Person v. Dep't of Social Servs., 390

Evidence

Theilking v. Mercy Care Plan [45,389], 256

Notice and Hearing Requirements

Rubio, *In re* [45,677], 256

Hospitals

Duty to Refer Eligible Patients

Memorial Hosp. of South Bend v. Connor [45,746], 369

Reimbursement

IHC Hosps., Inc. v. Board of Comm'rs of Bonneville County, 159

Collection Action Against Recipient

Memorial Hosp. of South Bend v. Connor [45,746], 369

Limitations on Service

Charpentier v. Kizer [45,810], 591, 1162
Gabai v. Grinker [45,648], 255
Meusberger v. Palmer [44,868], 250, 367

Maternity Care

Andriola v. Kizer [45,617], 135

Presumption of Father's Responsibility

Steuben County Dep't of Social Servs. v. Deats, 1309

Medically Necessary Procedure

Dominguez v. Superior Court of Cal., Alameda County [45,863], 594, 725
Ellis v. Commissioner, Me. Dep't of Human Servs. [46,034], 724
Meusberger v. Palmer [44,868], 250, 367
Theilking v. Mercy Care Plan [45,389], 256
Visser v. Taylor [46,089], 843

Mentally Ill Persons

Marsh v. Vigo County Dep't of Pub. Welfare, 624
R. v. Concannon [45,748], 376

Nursing Homes

Collins v. Eichler [46,088], 1165
Hudman v. Kizer [44,915], 135
Kelley v. Hyde [46,322], 1379

Adequacy of Care

Scott v. Morro Bay Hosp. [41,448], 594

Admissions

Taylor v. White [46,011], 725

Certification

Scott v. Morro Bay Hosp. [41,448], 594

Eligibility

Cherry v. Magnant [45,808], 591
Cook v. Hairston, 624
Scott v. Morro Bay Hosp. [41,448], 594
Van Gilder v. Valdez [45,697], 252, 593

Transfer of Assets

Miller v. Ibarra [46,154], 1163

Inadequate Payments

Glover v. Johnson [44,884], 1163
Stevens v. Indiana Dep't of Pub. Welfare, 1398

Patients' Funds

Bukics v. Bukics, 273

Patients' Rights

Clay County Manor v. Luna [45,867], 254, 584
Linton v. Commissioner of Health & Env't of Tenn. [42,987], 254, 725

Policies and Regulations

Linton v. Commissioner of Health & Env't of Tenn. [42,987], 254, 725

Racial Discrimination

Linton v. Commissioner of Health & Env't of Tenn. [42,987], 254, 725

Reimbursement

Stevens v. Indiana Dep't of Pub. Welfare, 1398

Relative Responsibility

Bukics v. Bukics, 273

State Regulation

Taylor v. White [46,011], 725
Van Gilder v. Valdez [45,697], 252, 593

State Reimbursement

Glover v. Johnson [44,884], 1163
Taylor v. White [46,011], 725

Optional Services

Visser v. Taylor [46,089], 843
Heath v. Schimke [46,053], 844
Le Verrier v. Perales [46,052], 844
McCartney v. Perales [46,054], 844

Private Duty Nursing Care

Detsel v. Sullivan, 159

Prompt Processing

Brown v. Luna [43,349], 41, 252

Prior Approval

Richardson v. Ramsey [46,284], 1288

Prosthetics

Bowers v. Thompson [45,857], 594, 1165

Reimbursement

Gabai v. Grinker [45,648], 255
Savenko v. Graham [45,597], 134
Steuben County Dep't of Social Servs. v. Deats, 1309

Relative Responsibility

Steuben County Dep't of Social Servs. v. Deats, 1309

Retroactive Payments

Case #230093483-001, *In re* [46,208], 1166

Reimbursement

Out-of-Pocket Expenses

Richardson v. Ramsey [46,284], 1288

Skilled Nursing Care

Catanzano v. Richardson [45,059], 39, 250
Hudman v. Kizer [44,915], 135

SSI Recipients

Moyer v. Mongan [45,818], 592

Eligibility

Case #230093483-001, *In re* [46,208], 1166
Darling v. Sullivan [42,592], 360, 841, 1281
Disabled Rights Union v. Kizer, 1202
Theilking v. Mercy Care Plan [45,399], 256

□ Optional Benefits

Noland v. Sullivan [46,246], 1163

State Eligibility Requirements

Caruso v. Sullivan [45,643], 251
Martinez v. Ibarra [45,276], 842
Moyer v. Mongan [45,818], 592
Richardson v. Ramsey [46,284], 1288
Salinas v. Canyon County, 159
Sneede v. Kizer [44,697], 368, 722, 1162, 1378
Van Gilder v. Valdez [45,697], 252, 593

State Programs

Notice of Action Taken

Hunt v. Kizer [44,761], 721, 842

Termination

Collins v. Eichler [46,088], 1165

Hearings

Doran v. Department of Health & Rehabilitative Servs. [45,951], 726
Malone v. Kustra [46,018], 740

Notice

Caruso v. Sullivan [45,643], 251
Case #230093483-001, *In re* [46,208], 1166
Weaver v. Colorado Dep't of Social Servs. [45,609], 135

Transfer of Assets

Marsh v. Vigo County Dep't of Pub. Welfare, 624
Willey v. Ives [39,830], 592

Transportation and Lodging Expenses

Armentrout v. Kenley [31,809], 593

MEDICAL ASSISTANCE PROGRAMS

Access to Medical Services

Jindo v. Carnegie [41,130], 136

Administration

Due Process

Luithle v. Burleigh County Social Servs. [46,078], 845, 1165

Aid to Medically Needy

Jindo v. Carnegie [41,130], 136

Eligibility

Hunt v. Kizer [44,761], 721, 842
Luithle v. Burleigh County Social Servs. [46,078], 845, 1165
St. Joseph's Hosp. & Medical Center v. Maricopa County, 159

Applications

Denials

Bernowski v. Commonwealth of Pa. Dep't of Pub. Welfare, 1310
Cortez v. Owyhee County, Idaho [45,885], 584
Saunders v. Illinois Dep't of Pub. Aid, 875

Procedures

Cortez v. Owyhee County, Idaho [45,885], 584

Available Income

Gasner v. Wisconsin Dep't of Health & Social Servs. [46,074], 840
Johnson v. Department of Pub. Aid, 64
Sipiora v. Illinois Dep't of Pub. Aid, 64
St. Joseph's Hosp. & Medical Center v. Maricopa County, 159

Computation

Anderson v. Minnesota Comm'r of Human Servs. [45,622], 136

Excess Income

Couch v. Director, Mo. State Div. of Family Servs., 1398
Luithle v. Burleigh County Social Servs. [46,078], 845, 1165

Excess Resources

Westmiller v. Sullivan [42,721], 41

Transfer of Assets

Willey v. Ives [39,830], 592

Cutbacks

Coleman v. Deukmejian [46,012], 726
Harris v. Contra Costa County [46,357], 1380

Denial of Benefits

Memorial Hosp. of South Bend v. Indiana Dep't of Pub. Welfare, 1398

Right to Appeal

□ Timeliness

Cortez v. Owyhee County, Idaho [45,885], 584
Saunders v. Illinois Dep't of Pub. Aid, 875

Eligibility

Luithle v. Burleigh County Social Servs. [46,078], 845, 1165
Memorial Hosp. of South Bend v. Indiana Dep't of Pub. Welfare, 1398
Sipiora v. Illinois Dep't of Pub. Aid, 64

Due Process

□ County Programs

Cleveland v. Fulton County, 1196
St. Joseph's Hosp. & Medical Center v. Maricopa County, 159

Time Limit Per Application

Brown v. Luna [43,349], 41, 252

Hearings

Gadea v. Goodrich [45,868], 742

Review of Hearing Decision

Cortez v. Owyhee County, Idaho [45,885], 584

Home Care

Beckwith v. Kizer [43,794], 1196

Medi-Cal

Beckwith v. Kizer [43,794], 1196
Charpentier v. Kizer [45,810], 591, 1162
Clark v. Kizer [43,105], 1162
Matthews v. Kizer [46,283], 1286
Pottgieser v. Kizer [42,897], 750
Sneede v. Kizer [44,697], 368, 722, 1162, 1378

Available Income

□ Spend Down

Kizer v. Sullivan [45,649], 251

Eligibility

Andriola v. Kizer [45,617], 135
Crespin v. Kizer [45,704], 1164
Dominquez v. Superior Court of Cal., Alameda County [45,863], 594, 725
Garcia v. Board of Supervisors of Los Angeles County [46,008], 722
Hunt v. Kizer [44,761], 721, 842

Emergency Assistance

Dominquez v. Superior Court of Cal., Alameda County [45,863], 594, 725

Mentally Ill Persons

County of Essex v. Waldman, 1399

Spend Down

Anderson v. Minnesota Comm'r of Human Servs. [45,622], 136
Flowers v. Illinois Dep't of Pub. Aid [46,313], 1289
Johnson v. Department of Pub. Aid, 64
Tile v. Kustra [46,314], 1289
Westmiller v. Sullivan [42,721], 41

Termination

Couch v. Director, Mo. State Div. of Family Servs., 1398
Gadea v. Goodrich [45,868], 742

MEDICARE

Appeals

Bothner, *In re* [46,785], 369
Longobardi v. Sullivan [45,722], 368

Hospital Insurance Claim Denial

Berman, *In re* [45,563], 136
H., *In re* [46,017], 727

Supplementary Medical Insurance Denial

In-Home Health Care Servs., *In re* [43,334], 846

Certified Beds

Bakken v. Manor Healthcare [45,728], 369, 843, 1289

Eligibility

Bothner, *In re* [45,785], 369
Coleman v. Hairston [44,388], 724
Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845
M., *In re* [46,083], 845
Munro v. Sullivan [45,631], 252
Wright v. Bowen [45,728], 368

Extended Care Services

Noncertified Beds

Bakken v. Manor Healthcare [45,728], 369, 843, 1289

Skilled Nursing Care

Fox v. Bowen [25,473], 843
In-Home Health Care Servs., *In re* [43,334], 846
Kenig, *In re* [45,990], 727
Kipphut v. Secretary of HHS [45,519], 40
Longobardi v. Sullivan [45,722], 368
Munro v. Sullivan [45,631], 252
Sarrassat v. Sullivan [43,444], 40, 722

Stefanko v. Secretary of HHS [45,984], 723
Tataranowicz v. Sullivan [46,394], 1287
Wright v. Bowen [45,728], 368

□ **Noncertified Wing Rule**
Bakken v. Manor Healthcare [45,728], 369, 843, 1289

▪ HHS Regulations

Bakken v. Manor Healthcare [45,728], 369, 843, 1289

▪ Hospital Services

Owens v. Nacogdoches County Hosp. Dist. [45,201], 593

Inpatient Hospital Care

Berman, *In re* [45,583], 136
Carpenter v. Sullivan [45,988], 723
H., *In re* [46,017], 727
New York ex *rel.* Bodnar v. Secretary of HHS, 623

□ **Co-Insurance**
Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845
Savenko v. Graham [45,597], 134

□ **Coverage Limitations**
Bungard, *In re* [46,210], 1165
Kenig, *In re* [45,980], 727

□ **Rehabilitative Services**
Hooper v. Sullivan [28,896], 31

▪ Judicial Review

Longobardi v. Sullivan [45,722], 368
Munro v. Sullivan [45,631], 252

▪ Mental Institutions

Berman, *In re* [45,583], 136

▪ Nursing Homes

Coverage

Bothner, *In re* [45,785], 369
Kipphut v. Secretary of HHS [45,519], 40

□ **Benefit Period**
Bakken v. Manor Healthcare [45,728], 369, 843, 1289
Longobardi v. Sullivan [45,722], 368
Wright v. Bowen [45,728], 368

□ ***Denial of Benefits***
Sarrassat v. Sullivan [43,444], 40, 722

Long-Term Care Facility

□ **Residents' Rights**
Bakken v. Manor Healthcare [45,728], 369, 843, 1289

Reimbursement

Sarrassat v. Sullivan [43,444], 40, 722

Transfer Rights

Bakken v. Manor Healthcare [45,728], 369, 843, 1289

▪ Part A of Medicare

Home Health Care Services

In-Home Health Care Servs., *In re* [43,334], 846
M., *In re* [46,053], 845

Hospital Insurance Benefits

Bungard, *In re* [46,210], 1165
Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845

Inpatient Hospital Care

H., *In re* [46,017], 727

Post-Hospital Extended Services

□ **Skilled Nursing Facility**
Bothner, *In re* [45,785], 369
Fox v. Bowen [25,473], 843
Kenig, *In re* [45,980], 727
Kipphut v. Secretary of HHS [45,519], 40
Longobardi v. Sullivan [45,722], 368
Munro v. Sullivan [45,631], 252
Stefanko v. Secretary of HHS [45,984], 723
Tataranowicz v. Sullivan [46,394], 1287
Wright v. Bowen [45,728], 368

▪ Part B of Medicare

G., *In re* [46,271], 1289
Kaw v. Commissioner, Me. Dep't of Human Servs. [45,848], 591

Limitations on Coverage and Payment

Cosgrove v. Bowen [45,458], 133
D., *In re* [46,312], 1290
Friedrich v. Secretary of HHS, 159
G., *In re* [46,274], 1289
V., *In re* [46,311], 1290

Services Covered

D., *In re* [46,312], 1290
Friedrich v. Secretary of HHS, 159
G., *In re* [46,274], 1289
V., *In re* [46,311], 1290

Supplemental Medical Insurance Benefits

D., *In re* [46,312], 1290
In-Home Health Care Servs., *In re* [43,334], 846
Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845
V., *In re* [46,311], 1290

▪ Physical Therapy

Fox v. Bowen [25,473], 843
G., *In re* [46,271], 1289
M., *In re* [46,053], 845

▪ Reimbursement

Cosgrove v. Bowen [45,458], 133
Friedrich v. Secretary of HHS, 159
New York ex *rel.* Bodnar v. Secretary of HHS, 623
Savenko v. Graham [45,597], 134

▪ Termination

Hearings

□ **Notices**
Sarrassat v. Sullivan [43,444], 40, 722

MENTAL HEALTH

▪ Access to Counsel

Robbins v. Budke [45,784], 376
Wisconsin Coalition for Advocacy v. Gudeman [46,364], 1384

▪ *Civil Commitment*

Sufficiency of Evidence

Martin, *In re*, 877

▪ Commitment Procedures

Civil Commitment

□ **Burden of Proof**
Flowers v. Verde [45,743], 376

□ **Indigent Respondent**
Dominguez v. New Mexico, 1199

□ **Voluntary Commitment**
Zinermon v. Burch, 160

Involuntary Commitment

Hatala, *In re*, 877
Martin, *In re*, 877
Walker, *In re*, 877

□ **Alternative Treatment**
James, *In re*, 877

□ **Burden of Proof**
Colorado v. District Court, 1198

□ **Certificates**
Colorado v. District Court, 1198

□ **Court Appointed Physician or Attorney**
Blume, *In re*, 626
D., R.L., *In re*, 752

□ **Court Orders**
Colorado v. District Court, 1198

□ **Dangerousness**
Lee, *In re*, 752
Oregon v. Brungard, 391

□ **Dismissal of Petition**
Long, *In re*, 1311

□ **Due Process**
Long, *In re*, 1311
Oregon v. Brungard, 391
Turney v. O'Toole, 390

□ **Examinations by Physicians**
Dominguez v. New Mexico, 1199

□ **Expert Reports**
B., W., *In re*, 1311

□ **Hearings**
Goetz v. Crosson, 64
Splett, *In re*, 277

□ **Proper Subject for Treatment**
B., W., *In re*, 1311

□ **Psychiatric Examinations**
Colorado v. District Court, 1198
Illinois v. Valentine, 877

□ **Right to Counsel**
Blume, *In re*, 626
D., R.L., *In re*, 752

□ **Right to Refuse Treatment**
Rasmussen, *In re*, 1311

□ **Right to Remain Silent**
Goetz v. Crosson, 64

□ **Statements by Physicians, Examiners, or Psychologists**
Colorado v. District Court, 1198
James, *In re*, 877

Juveniles

D., Jeff v. Andrus [37,341], 385
D., R.L., *In re*, 752
Turney v. O'Toole, 390

Sufficiency of Evidence

James, *In re*, 877
Rasmussen, *In re*, 1311

Voluntary Commitment

Zinermon v. Burch, 160

▪ Criminal Commitment

Crytes v. Schafer, 1203

Drugs

Forced Medications

Williams v. Wilzack [43,478], 626

Involuntary Administration

United States v. Watson, 161
Washington v. Harper [43,836], 51
Williams v. Wilzack [43,478], 626

Guardianship

Flowers v. Verde [45,743], 376
Flyinghorse, Guardianship of, *In re* [45,529], 50
H., F.E., Guardianship of, *In re*, 391
Kipp v. Rawson, 156

Right to Counsel

A., S., *In re*, 1309

Halfway Homes

Mehta v. Surles, 752

Least Restrictive Alternative

Community-Based Programs

Mehta v. Surles, 752

Institutions

□ **Mentally Retarded**

Society for Good Will to Retarded Children v. Cuomo [26,198], 622, 1196

Restraints

Holloway v. Hamilton [45,497], 49

Seclusion

Holloway v. Hamilton [45,497], 49

Mental Institutions

Saito v. Lewin [45,817], 603

Abuse of Patients

Shaw v. Strackhouse, 1397

Access to Counsel

Robbins v. Budke [45,784], 376
Wisconsin Coalition for Advocacy v. Gudeman [46,364], 1384

Accreditation

Society for Good Will to Retarded Children v. Cuomo [26,198], 622, 1196

Costs

County of Essex v. Waldman, 1399
Fetterusso v. New York, 276
Ohio Dep't of Mental Health Reimbursement Servs. v. Szuch, 1399

Discrimination

Rhodes v. Charter Hosp., 275

Freedom of Speech

Williams v. Andrade [46,059], 853

Grievance Procedures

Williams v. Andrade [46,059], 853

Habilitation

Mihakik v. Lensink, 389

Involuntary Patients

Goetz v. Crosson, 64
Williams v. Andrade [46,059], 853

□ **Liability for Costs**

Berman, *In re* [45,583], 136
Ohio Dep't of Mental Health Reimbursement Servs. v. Szuch, 1399

Living Conditions

Halderman v. Pennhurst State School & Hosp. [12,902], 617

□ **Consent Decrees**

Society for Good Will to Retarded Children v. Cuomo [26,198], 622, 1196

Medical Care

Cleveland v. Fulton County, 1196

□ **Quality**

Society for Good Will to Retarded Children v. Cuomo [26,198], 622, 1196

Patients' Funds

Williams v. Andrade [46,059], 853

Placement

Alessi v. Pennsylvania Dep't of Pub. Welfare, 156

Visitation Rights

Williams v. Andrade [46,059], 853

Patients' Rights

Robbins v. Budke [45,784], 376
Saito v. Lewin [45,817], 603

Protection from Assault

Shaw v. Strackhouse, 1397

Right to Refuse Medication

Williams v. Wilzack [43,478], 626

Psychiatric Examinations

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199

Records

Access

Wisconsin Coalition for Advocacy v. Gudeman [46,364], 1384

Reinstitutionalization

B., W., *In re*, 1311

Treatment

Kelley v. Hyde [46,322], 1379

Costs

□ **Liability**

Berman, *In re* [45,583], 136
Fetterusso v. New York, 276
Ohio Dep't of Mental Health Reimbursement Servs. v. Szuch, 1399

Juveniles

R. v. Concannon [45,748], 376

Medical Treatment

Cleveland v. Fulton County, 1196

Restraints

Holloway v. Hamilton [45,497], 49
Shaw v. Strackhouse, 1397
Williams v. Andrade [46,059], 853

Right to Refuse Treatment

United States v. Watson, 161

Seclusion

Williams v. Andrade [46,059], 853

□ **Behavior Modification**

Holloway v. Hamilton [45,497], 49

MIGRANTS

See also ALIENS

Education

Barajas v. Board of Trustees, Two Rock Union School Dist. [46,211], 1159

Discrimination

Garza v. Mabton School Dist. [43,433], 604

Employment

Morales v. Yeutter [43,893], 601

Conditions

Avendano v. Decoster [45,801], 143
Carillo v. Griffith-Ives Co. [45,879], 735
Contreras v. Mt. Adams Orchard [46,186], 1176
Pineros y Campesinos Unidos Del Noroeste v. Goldschmidt [46,149], 1176
Rodriguez v. Berrybrook Farms [43,274], 604

Fair Labor Standards Act

Otamot, Inc., *In re* [45,530], 50, 1296

□ **Minimum Wages**

Avendano v. Decoster [45,801], 143
Young Sock Jang v. Sahng Y. An [46,261], 1296

□ **Violations**

Martinez v. Jacobson [45,355], 263
Mireles v. Frio Foods, Inc., 388

Grievance

Pineros y Campesinos Unidos Del Noroeste v. Goldschmidt [46,149], 1176

Hiring Practices

Garcia v. Yeutter [45,708], 377, 1296

Wages

Avendano v. Decoster [45,801], 143
Carillo v. Griffith-Ives Co. [45,879], 735

□ **Adverse Wage Rate**

Otamot, Inc., *In re* [45,530], 50, 1296

□ **Back Wages**

Martinez v. Department of Indus., Labor, & Human Relations [44,972], 244

□ **Unpaid Wages**

Martinez v. Jacobson [45,355], 263

Farm Labor Contractor Registration Act

Six Mexican Workers v. Arizona Citrus Growers [21,184], 627

Food Stamp Eligibility

Villegas v. Concannon, 1195

Health Care

Eligibility for Medical Assistance

Rubio, *In re* [46,877], 256

Housing

Contreras v. Mt. Adams Orchard [46,186], 1176

Esparza v. Commissioner, Me. Dep't of Human Servs. [45,802], 152
Rodriguez v. Berrybrook Farms [43,274], 604

Eviction

Avendano v. Decoster [45,601], 143

Rent Increases

Otamot, Inc., *In re* [45,530], 50, 1296

Substandard Housing

Avendano v. Decoster [45,601], 143
Carillo v. Griffith-Ives Co. [45,879], 735
Martinez v. Jacobson [45,355], 263
Young Sock Jang v. Sahng Y. An [46,281], 1296

▪ Labor Camps

Records

□ **Disclosure**

Contreras v. Mt. Adams Orchard [46,186], 1176

▪ Labor Disputes

Pineros y Campesinos Unidos Del Noroeste v. Goldschmidt [46,149], 1176

▪ Migrant and Seasonal Agricultural Worker Protection Act

Carillo v. Griffith-Ives Co. [45,879], 735
Chery v. Bowman, 617
Northwest Forest Workers Ass'n v. Yeutter [42,653], 140
Rodriguez v. Berrybrook Farms [43,274], 604
Stewart v. Woods, 271

Registration and Disclosure

Garcia v. Yeutter [45,708], 377, 1296

Violations

Avendano v. Decoster [45,601], 143
Contreras v. Mt. Adams Orchard [46,186], 1176
Martinez v. Jacobson [45,355], 263
Young Sock Jang v. Sahng Y. An [46,281], 1296

□ **Unlawful Deductions from Wages**

Avendano v. Decoster [45,601], 143

MILITARY

St. Vincent's Hosp. v. King, 632

▪ Soldier's and Sailor's Civil Relief Act

Stay of Civil Proceedings

Riley v. Alabama *ex rel.* White, 881

▪ Veterans Administration Regulations

United States v. Nicely [45,639], 267

▪ Veterans State Programs

Benjamin v. Arizona Dep't of Revenue, 163
Hoffman v. City of Warwick, 881

▪ Veterans' Benefits

Anderson v. Sullivan [45,689], 738
Hoffman v. City of Warwick, 881
Miller v. McGovern, 879
Roseberry v. United States, 624

Disability

Branham v. Derwinski [46,279], 1387
Erspamer v. Derwinski [45,615], 148
Mozur v. Turnage, 65
Real v. United States, 755
Rearden v. Rearden, 1395

Divorced Spouse

Fern v. United States, 868
Weberg v. Weberg, 1396

Eligibility

United States v. Nicely [45,639], 267

Guardianship

Flyinghorse, Guardianship of, *In re* [45,529], 50

Judicial Review

Mozur v. Turnage, 65

Mortgages

Branham v. Derwinski [46,279], 1387

Recoupment

United States v. Nicely [45,639], 267

Retirement

Real v. United States, 755
Warren v. Warren, 1395

▪ Veterans' Hospitals

Medical Services

United States v. Nicely [45,639], 267

▪ Veterans' Service Programs

Survivors' Benefits

W., *In re* [46,173], 1180

▪ Viet Nam Veterans

Post-Traumatic Stress Disorder

Real v. United States, 755
W., *In re* [46,173], 1180

MOBILE HOMES

See HOUSING

MUNICIPAL-GOVERNMENT SERVICES

See also PUBLIC UTILITIES

▪ City Ordinances

Guyton v. City of Alameda [44,257], 127, 373

NATIVE AMERICANS

▪ Alaska Native Claims Settlement Act

Chugach Alaska Corp. v. Lujan, 1199

▪ Bureau of Indian Affairs

Sohappy v. Hodel, 1199

▪ Claims Against U.S.

Sisseton-Wahpeton Sioux Tribe v. United States, 161

▪ Criminal Law and Procedure

Harrison v. Alaska, 64
United States v. Bear, 1199

Arrests on Reservations

□ **Jurisdiction**

United States v. Greyfox, 64

Juveniles

S., M.L., *In re*, 877

▪ Customs, Tradition, and Culture

Religion

Iron Eyes v. Henry, 878

▪ Domestic Relations

Adoption

B., M.R.D., Parental Placement of, *In re*, 391
Native Village of Venetie I.R.A. Council v. Alaska [43,975], 1312

Custody

□ **Indian Child Welfare Act**

B., M.R.D., Parental Placement of, *In re*, 391
M., A., *In re*, 627
M., C.P., *In re*, 276
Native Village of Venetie I.R.A. Council v. Alaska [43,975], 1312
P., D.S., *In re*, 877
S., T., *In re*, 1400
South Dakota *ex rel.* J., *In re* [44,901], 605
W., *In re* [45,863], 264
W., L.N., *In re*, 752

Support and Alimony

Howe v. Ellenbecker [46,531], 36

▪ Education

Bureau of Indian Affairs

□ **Boarding Schools**

Ramon v. Soto, 1199

□ **Discipline**

Ramon v. Soto, 1199

▪ Employment

Preferences

FMC v. Shoshone-Bannock Tribes, 752

▪ Environment

Blue Legs v. EPA [43,115], 50

▪ Exhaustion of Tribal Remedies

Farm Credit Bank of Wichita v. Tselee [45,581], 144

▪ Federal Authority

Courts of Indian Offenses

United States v. Greyfox, 64

Welfare

Monte v. New Mexico Dep't of Human Servs. [45,409], 745

▪ Health Care

Vigil v. Rhoades [41,674], 604, 853

- **Housing**

Off-Reservation

Housing Auth. of Seminole Nation v. Harjo [45,731], 377

Public Housing

□ **Jurisdiction**

Housing Auth. of Seminole Nation v. Harjo [45,731], 377

Relocation

□ **Assistance Benefits**

Manygoats v. Office of Navajo & Hopi Indian Relocation, 627

- **Hunting and Fishing Rights**

Sohappy v. Hodel, 1199

Regulations

United States v. Greyfox, 64

- **Indian Country**

Housing Auth. of Seminole Nation v. Harjo [45,731], 377

- **Jurisdiction**

B., M.R.D., Parental Placement of, *In re*, 391
Harrison v. Alaska, 64
Housing Auth. of Seminole Nation v. Harjo [45,731], 377
S., M.L., *In re*, 877
South Dakota *ex rel.* J., *In re* [44,901], 605
Whitebird v. Kickapoo Hous. Auth., 1400

Allotments

United States v. Greyfox, 64

Diversity of Citizenship

Farm Credit Bank of Wichita v. Tsolee [45,591], 144

State Jurisdiction

Becker County Welfare Dep't v. Bellcourt, 391
Begay v. Roberts [46,258], 1297
Flyinghorse, Guardianship of, *In re* [45,529], 50
Rosebud Sioux Tribe v. South Dakota [45,286], 143

- **Public Lands**

Chugach Alaska Corp. v. Lujan, 1199

- **Reservations**

Benally v. Hodel, 1188

Conveyance

Cross v. Washington, 1199

Jurisdiction

Flyinghorse, Guardianship of, *In re* [45,529], 50
Howe v. Ellenbecker [45,531], 36

- **Sovereignty**

Tribal

Begay v. Roberts [46,258], 1297
Whitebird v. Kickapoo Hous. Auth., 1400

□ **Environmental Regulations**

Blue Legs v. EPA [43,115], 50

- **Submerged Lands and Wetlands**

Sohappy v. Hodel, 1199

- **Traffic Laws**

Offenses

□ **Jurisdiction**

Harrison v. Alaska, 64

- **Tribal Government**

FMC v. Shoshone-Bannock Tribes, 752

Courts

□ **Custody**

B., M.R.D., Parental Placement of, *In re*, 391
South Dakota *ex rel.* J., *In re* [44,901], 605

□ **Jurisdiction**

Flyinghorse, Guardianship of, *In re* [45,529], 50
Harrison v. Alaska, 64
South Dakota *ex rel.* J., *In re* [44,901], 605

- **Tribal Membership**

M., C.P., *In re*, 276

- **Water Rights**

Covelo Indian Community v. Federal Energy Regulatory Comm'n, 161
Pyramid Lake Paiute Tribe of Indians v. United States Dep't of Navy, 391

PARDON AND PAROLE

See also CRIMINAL LAW AND PROCEDURE, PRISONS

- **Denial**

United States v. Ellis, 752

- **Parole Conditions**

Greenway v. Johnson [43,714], 605

- **Procedural Rights**

Hines v. Board of Parole, 64

Parole

Harris v. Evans, 1400

□ **Rights**

Harwood v. Johnson [44,643], 161

Rescission Hearing

Ohio *ex rel.* Tyler v. Alexander, 747

PATERNITY

See ILLEGITIMATE CHILDREN

PENSIONS

See also RALIROAD RETIREMENT PLAN, SOCIAL SECURITY PROGRAMS

- **Disability Pension**

Massie v. Indiana Gas Co., 1397

- **Divorce**

Lunderby v. Department of HHS, 1401
Wright, Marriage of, *In re*, 620

- **Employee Retirement Income Security Act**

Cramer v. Association Life Ins. Co., 1398
Etherington v. Bankers Life & Casualty Co., 1312
Hamilton v. Air Jamaica, Ltd., 1397
Larsen v. NMU Pension Trust, 628
LeFeber, *In re*, 746
Massie v. Indiana Gas Co., 1397
McGann v. H&H Music Co., 1194
Moore v. Raine, 867

- **Government Employees**

Oshiver v. Office of Personnel Management, 161

- **Social Security Act**

Lunderby v. Department of HHS, 1401

POLICE

Kimble v. Hayes [45,623], 132

- **Arrest**

Nelson v. City of Chicago [45,182], 710

- **Domestic Violence**

Johnson v. Mesa, Ariz. [46,077], 837

Duty to Respond

Balistreri v. Pacifica Police Dep't, 272, 618
Coffman v. Wilson Police Dep't, 747

Prevention of Violence

Balistreri v. Pacifica Police Dep't, 272, 618
Howell v. City of Catoosa, 157

- **Misconduct**

Doe v. Borough of Barrington, 157

PRISONS

See also PARDON AND PAROLE

- **Access to Courts**

Fowler v. Jones, 391
Hodge v. Prince, 271
Puett v. Blandford, 161
Robbins v. Robbins [46,114], 854, 1297
Wisconsin *ex rel.* Girouard v. Jackson County Circuit Court, 627

Access to Legal Assistance

Greene v. District of Columbia Dep't of Corrections [45,801], 583

□ **Lawyer**

Burt v. Carlson, 1400
Griffin v. Coughlin, 1200

Law Libraries

□ **Access**

Griffin v. Coughlin, 1200

- **Bank Account Restrictions**

Smith v. Alaska Dep't of Revenue, 747

- **Brutality**

Guards Against Inmates

Dodrill v. Lorain County Sheriff, 878
Greene v. District of Columbia Dep't of Corrections [45,801], 583
McHenry v. Chadwick, 161
Miller v. Leathers [46,112], 853
Simpson v. Hines, 627

Inmates Against Inmates
District of Columbia v. Carmichael, 878

Classification of Prisoners

Madden v. Kemna, 878

Due Process
Madewell v. Roberts, 877
Mikeska v. Collins, 627

Conditions of Confinement

Krug v. Imbordino, 156
Shaw v. Allen [46,293], 1297
Simpson v. Hines, 627

Cell Size
Wilson v. Seiter, 161

Clothing and Laundry
Divers v. Department of Corrections, 1400

Cruel and Unusual Punishment
Deutsch v. Federal Bureau of Prisons, 627
Fruit v. Norris, 753
Madewell v. Roberts, 877
Miller v. Leathers [46,112], 853
Nitcher v. Cline, 390
Sivak v. Ada County, 1201, 1400
Wilson v. Seiter, 161

Exercise and Recreation
Divers v. Department of Corrections, 1400

Food Services
Burgin v. Nix, 391
Divers v. Department of Corrections, 1400
Farmer v. Moritsugu, 1200

Health Care
Deutsch v. Federal Bureau of Prisons, 627
Elliott v. Cheshire County, 1400
Kelley v. McGinnis, 391
Nitcher v. Cline, 390
Shrader v. Hopkins, 878
Thorpe v. New Hampshire Dep't of Corrections, 753
Toombs v. Bell, 1200
Yarbaugh v. Roach [45,802], 605

Overcrowding
Plyler v. Evatt, 616
Pryor v. Brennan, 1199
Wilson v. Seiter, 161

□ **Population Limitations**
Inmates of Allegheny County Jail v. Wecht [21,658], 627
Jackson v. Artison [45,972], 735
Mercer v. Mitchell, 878
Vazquez v. Carver, 161

Personal Hygiene
Iron Eyes v. Henry, 878

Telephones
Divers v. Department of Corrections, 1400

Ventilation and Heating
Wilson v. Seiter, 161

Custody and Control of Prisoners

Farmer v. Moritsugu, 1200
Simpson v. Hines, 627
Welch v. Sheriff, Lubbock County, 627

Administrative Segregation
Gittens v. Lefevre, 64
Harris v. Thigpen, 64

□ **Due Process**
Hatori v. Haga, 1400
Mikeska v. Collins, 627
Scott v. Coughlin, 64
Toussaint v. McCarthy, 1312

□ **Hearings**
Hatori v. Haga, 1400

Close Management Status
Wetmore v. Gardner, 627

Contraband Regulations
District of Columbia v. Carmichael, 878
Iron Eyes v. Henry, 878
Sivak v. Ada County, 1201, 1400
Wetmore v. Gardner, 627

Disciplinary Proceedings-Hearings
Burgin v. Nix, 391
Wallace v. Robinson, 1199

□ **Constitutionality**
Cerda v. O'Leary, 1200
Owens v. Libhart, 161

□ **Discrimination**
Cerda v. O'Leary, 1200

□ **Due Process**
Cerda v. O'Leary, 1200
Harrison v. Dahm, 1200
Owens v. Libhart, 161
Scott v. Coughlin, 64
Sivak v. Ada County, 1201, 1400

Drug Testing
Clifford v. Jacobs, 868
Harrison v. Dahm, 1200
Ramey v. Hawk, 276

Employment
Fruit v. Norris, 753
Wallace v. Robinson, 1199

Protective or Voluntary Custody
Divers v. Department of Corrections, 1400
Smith v. Coughlin, 64

Published Regulations
Meis v. Gunter, 753
Savko v. Rollins [46,174], 1176

Punitive Segregation
Cerda v. O'Leary, 1200

Use of Chemicals
Colon v. Schneider, 391
Robbins v. Christianson, 627

Damages

Colon v. Schneider, 391
Sockwell v. Phelps, 747
Thorpe v. New Hampshire Dep't of Corrections, 753

Defenses

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky., 1199

Immunity
Burt v. Carlson, 1400
Elliott v. Cheshire County, 1400
Gittens v. Lefevre, 64
Hatori v. Haga, 1400
Molinelli v. Tucker, 621
Scott v. Coughlin, 64
Simpson v. Hines, 627
Smith v. Coughlin, 64

Freedom of Speech

Ali v. Dixon, 1199
Gross v. Iowa, 1201

Good Time

Gross v. Iowa, 1201
Pryor v. Brennan, 1199
Ramey v. Hawk, 276

Handicapped Persons

Yarbaugh v. Roach [45,802], 605

Health Care

Alabama Dep't of Pub. Health v. Wells, 875
Deutsch v. Federal Bureau of Prisons, 627
Nitcher v. Cline, 390

Access
Davis v. Village of Calumet Park, 753
Johnson-El v. District of Columbia, 1200
Sivak v. Ada County, 1201, 1400
Yarbaugh v. Roach [45,802], 605

□ **Outside Medical Care**
Toombs v. Bell, 1200

Adequacy
Davis v. Village of Calumet Park, 753
Elliott v. Cheshire County, 1400
Kelley v. McGinnis, 391
Shrader v. Hopkins, 878
Toombs v. Bell, 1200
Yarbaugh v. Roach [45,802], 605

Drugs

□ **Forced Use**
Keyhea v. Rushen [29,258], 833
United States v. Watson, 161
Washington v. Harper [43,538], 51

Right to Prompt Treatment
Johnson-El v. District of Columbia, 1200
Simpson v. Hines, 627

Right to Refuse Treatment
Keyhea v. Rushen [29,258], 833
United States v. Watson, 161
Washington v. Harper [43,538], 51

Screening Examinations
Harris v. Thigpen, 64
Thorpe v. New Hampshire Dep't of Corrections, 753

Inmate Injuries

District of Columbia v. Carmichael, 878
Thorpe v. New Hampshire Dep't of Corrections, 753

Adequacy of Medical Care
Shrader v. Hopkins, 878

Section 1983
Greene v. District of Columbia Dep't of Corrections [45,801], 583
McHenry v. Chadwick, 161
Shrader v. Hopkins, 878

Lock-Downs

Divers v. Department of Corrections, 1400

Mail Privileges

Burt v. Carlson, 1400
Faulkner v. McLocklin, 64
Jackson v. Mowery, 1200

Censorship
Gross v. Iowa, 1201

- **Marriage Rights**
Jackson v. Mowery, 1200

- **Personal Property**
Sivak v. Ada County, 1201, 1400

Destruction
Savko v. Rollins [46,174], 1176

- **Pretrial Detention**
Brown v. Rison, 161

Conditions
Davis v. Village of Calumet Park, 753
Elliott v. Cheshire County, 1400
Hodge v. Ruperto, 878

Due Process
Hodge v. Ruperto, 878

Personal Property
Faulkner v. McLocklin, 64

- **Records**

Access
Alabama Dep't of Pub. Health v. Wells, 875
Hines v. Board of Parole, 64
Meis v. Gunter, 753

- **Regulations**
Holmes v. Robinson, 878
Salaam v. Lockhart, 753
Savko v. Rollins [46,174], 1176

Failure to Follow
Madden v. Kemna, 878

- **Rehabilitation Programs**
Brown v. Rison, 161

Work Release
Holmes v. Robinson, 878
Benjamin v. Coughlin [42,467], 752
Fowler v. Jones, 391
Griffin v. Coughlin, 1200
Iron Eyes v. Henry, 878
Salaam v. Lockhart, 753

Right to Services
Divers v. Department of Corrections, 1400

- **Right to Privacy**
Alabama Dep't of Pub. Health v. Wells, 875
Harris v. Thigpen, 64
Smith v. Coughlin, 64

- **Searches**
Timm v. Gunter, 1312
Walker v. Sumner, 1312

Body Searches
Nitcher v. Cline, 390
Wetmore v. Gardner, 627

Property Searches
Sivak v. Ada County, 1201, 1400

Strip Searches
Colon v. Schneider, 391

- **Transfers**

Disciplinary
Robbins v. Christianson, 627

Procedural Rights
Abdul-Hakeem v. Koehler, 877
Wallace v. Robinson, 1199

PRIVACY
Avery v. Lake [46,033], 743
Curran v. Bosze [45,887], 835
Doe v. Borough of Barrington, 157
Doe v. Southeastern Univ., 274
Faulkner v. McLocklin, 64
Owens v. Thompson [44,037], 864, 1185

- **Drug Testing**
Brooks v. East Chambers Consol. Indep. School Dist., 273
Brunson v. Pennsylvania Unemployment Compensation Bd. of Review, 277
Burka v. New York City Trans. Auth., 872, 1194, 1397
Harris v. Thigpen, 64
Independent School Dist. No. 1 v. Logan, 393
Molinelli v. Tucker, 621
National Fed'n of Fed. Employees v. Cheney, 1193
Neal v. Corning Glass Works Corp., 1188
O'C., *In re* [45,603], 148
Transportation Inst. v. United States Coast Guard, 62

- **Eavesdropping**
Griggs-Ryan v. Smith, 626

- **Family Unity**
Summeries v. Chicago Hous. Auth. [45,004], 1291

- **Polygraph Examinations**
Elder v. Coronet Ins. [45,977], 714

PUBLIC HOUSING
See HOUSING

PUBLIC TRANSPORTATION

- **Handicapped Persons**
Paralyzed Veterans of Am. v. Washington Metro. Area Transit Auth., 158
Samaroff v. Northeast Ill. Regional Commuter R.R. [45,244], 366

PUBLIC UTILITIES
See also ENERGY

- **Billing**

Deposit Requirements
Hanratty v. Philadelphia Elec. Co., 867

- **Denial of Services**

Due Process
Central Ill. Light v. Commerce Comm'n, 1312

- **Lifeline Services**

Rate Increases
New England Tel. Co. Info Age NH 2000 Plan, *In re* [46,212], 1177

- **Rates**

Increases
County of Suffolk v. Long Island Lighting Co., 868
New England Tel. Co. Info Age NH 2000 Plan, *In re* [46,212], 1177

□ **Hearings**
Citizens Action Coalition of Ind. v. Public Serv. Co. of Ind., 392
Consumers Educ. & Protective Ass'n v. Plonski [45,861], 736

□ **Investigation of Costs**
Citizens Action Coalition of Ind. v. Public Serv. Co. of Ind., 392

□ **Ratemaking Authority**
Consumers Educ. & Protective Ass'n v. Plonski [45,861], 736

- **Regulations**
New England Tel. Co. Info Age NH 2000 Plan, *In re* [46,212], 1177

- **Termination**
James v. Jordan [46,171], 1176
James v. St. Petersburg, Fla. [46,180], 1176

By Landlord
Chandley Enters., Inc. v. City of Evansville, 1400

Due Process
Central Ill. Light v. Commerce Comm'n, 1312
Robinson v. Michigan Consol. Gas Co., 1305

Unpaid Bills
Central Ill. Light v. Commerce Comm'n, 1312

RAILROAD RETIREMENT PLAN
See also SOCIAL SECURITY PROGRAMS
Gutierrez v. Railroad Retirement Bd., 1308

- **Social Security Recipients**
Aspros v. United States R.R. Retirement Bd., 628

RELOCATION
See also HOUSING

- **Urban Renewal**
Akpan v. Koch [43,283], 44, 259

REPOSSESSION
See also AUTOMOBILES, CONSUMER

- **Breach of the Peace**
Hill v. Federal Employees Credit Union, 62

- **Contracts**
Dyer v. Quality Car & Truck Leasing [45,808], 585

Compliance
Gaynor v. Union Trust Co., 1393

▪ Deficiency Judgment

Doering v. Sussex Trust Co. [46,188], 1154
Hill v. Federal Employees Credit Union, 62

▪ Redemption

South Carolina *ex rel.* Hamm v. Chrysler Credit Corp. [46,881], 714

▪ Sales

Commercially Reasonable

Gaynor v. Union Trust Co., 1393

Notices

Dubose v. General Motors Acceptance Corp. [44,829], 127
Gaynor v. Union Trust Co., 1393

▪ Seizures

Notices

Dubose v. General Motors Acceptance Corp. [44,829], 127

RURAL ISSUES

See also HOUSING

Payne v. Federal Land Bank of Columbia, 1188

▪ Farm Credit System

Ashbrook v. Block, 1312
Griffin v. Federal Land Bank of Wichita [44,927], 854
Lee v. Yeutter, 1312

▪ Farmers Home Administration

Farmer Loan Programs

Moseanko v. Yeutter [42,954], 1370

□ **Foreclosure**

Farm Credit Bank of Wichita v. Tselee [45,591], 144

SENIOR CITIZENS

Department of Health & Rehabilitative Servs. v. R., 855

▪ Assistance Programs

Hoffman v. Otwell [43,837], 144

▪ Discrimination

Betts v. Hamilton County Bd. of Mental Retardation & Developmental Disabilities, 273
Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291
EEOC v. School Bd. of Pinellas County, 1194
Salisbury v. McWhorter, 1397

▪ Employment

Burlew v. Eaton Corp., 63
EEOC v. School Bd. of Pinellas County, 1194

▪ Guardianship

Browning, Guardianship of, *In re* [45,085], 1398
Buffler v. Buffler, 1401
Flyinghorse, Guardianship of, *In re* [45,529], 50
H., F.E., Guardianship of, *In re*, 391
S., R., Guardianship of, *In re*, 392

▪ Housing

Boarding Homes

Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,282], 1291

Group Housing Zoning

Pollard v. Palm Beach County, 753

▪ Incompetency

Guardianship

Browning, Guardianship of, *In re* [45,085], 1398

□ **Duties**

H., F.E., Guardianship of, *In re*, 391
Longeway, Estate of, *In re*, 159

SOCIAL SECURITY PROGRAMS

▪ Abuse of Discretion

Carter v. Sullivan, 879
Mazza v. Secretary of HHS [45,781], 378

▪ Activity

Substantial Gainful Activity

Davis, *In re* [46,870], 265

▪ Administrative Law Judges

Decisions

Albalos v. Sullivan, 879
Dennard v. Secretary of HHS, 879
Grant v. Sullivan [44,741], 33, 583, 1146
Rashad v. Sullivan, 754
Rice v. Sullivan, 1202
Stieberger v. Sullivan [39,839], 54, 754

Duties

Albalos v. Sullivan, 879
Valente v. Sullivan, 276

Errors in Hearing

Albalos v. Sullivan, 879

▪ Administrative Review

Stieberger v. Sullivan [39,839], 54, 754

Overpayments

Albalos v. Sullivan, 879

▪ Appeals Council

Ash v. Sullivan, 1313

Action on Remand

Daubert v. Sullivan, 629

Denial of Review

Morris v. Sullivan, 276
Williams v. Sullivan, 629

Power to Revise or Reopen

Morris v. Sullivan, 276

Practice and Procedure

Houston v. Sullivan, 162

Time Limits

Galarza v. Secretary of HHS [46,333], 1386

▪ Applications

Mazza v. Secretary of HHS [45,781], 378

▪ Attorney Fees

Boatwright v. Sullivan [45,592], 146
Brown v. Sullivan, 1304
Chynoweth v. Sullivan [44,462], 1392
Davis v. Bowen, 154
Duggan, *In re*, 616
George v. Sullivan [44,888], 1392
Goff v. Sullivan, 746
Grant v. Sullivan [44,741], 33, 583, 1146
Houston v. Sullivan, 1304
Hull v. Bowen, 1304
Knagge v. Sullivan, 616
Mara v. Sullivan, 616
McGuire v. Bowen, 616
Perket v. Secretary of HHS, 616
Pittman v. Sullivan, 1187
Royzer v. Secretary of HHS, 616
Rutledge v. Sullivan, 1187
Secatore v. Bowen, 385
Shepard v. Sullivan, 385
Sullivan v. Sullivan, 746
Trahan v. Brady [42,858], 867
Wells v. Sullivan, 867

▪ Benefits

Fetterusso v. New York, 276
Rowe v. Cowherd, 1403

Computation

Mazza v. Secretary of HHS [45,781], 378
Sullivan v. Everhart [43,897], 52

Entitlement

County of Essex v. Waldman, 1399

Execution

□ **Exemptions**

Huskey v. Asmann [45,814], 603

Overpayments

Broeckert v. Sullivan, 1401
Brown v. Secretary of HHS [44,787], 53, 606
Sullivan v. Everhart [43,897], 52

Reduction

Draper v. Sullivan, 393

□ **Offset**

Miller v. McGovern, 879
Sheppard v. Sullivan, 753

Retroactive

Mazza v. Secretary of HHS [45,781], 378
Rashad v. Sullivan, 754

Separation Effect on Spouse's Benefits

Christmas v. Christmas, 387

▪ Child's Insurance Benefits

Newman v. Newman, 272
Rashad v. Sullivan, 754
Shinn v. Sullivan, 1201
Sullivan v. Stroop [43,018], 610
Williams v. Williams [45,328], 587

Eligibility

Maher v. Secretary of HHS, 392
Marcus v. Sullivan [38,704], 607
McKee v. Sullivan, 754
Orsini v. Sullivan, 754

□ **Illegitimate Children**

Kinney v. Sullivan, 1203

□ **Married Children**

Sanches v. Sullivan, 630

▪ Claims

Reopening

Cartner v. Secretary of HHS [46,888], 608

Willow v. Sullivan, 630

Disability Benefits

Carter v. Sullivan, 879
Hanthorn v. Hanthorn, 1190

Administration

Quinlivan v. Sullivan [46,189], 1177

□ **Notices**

Peck v. Sullivan [44,900], 1178

Administrative Law Judges

□ **Duties**

Hatcher v. Secretary of HHS, 276

Claims

□ **Reopening**

Guy v. Sullivan, 630

Decisionmaking Process

Canales v. Sullivan, 1203

Determinations

Aspros v. United States R.R. Retirement Bd., 628
Caldwell v. Sullivan, 630
Hogard v. Sullivan, 629
Mazza v. Secretary of HHS [45,781], 378

□ **Notice**

Gonzalez v. Sullivan, 1202

Eligibility

Skinner v. Secretary of HHS, 628
Willow v. Sullivan, 630

□ **Ability to Work**

Bainey v. Secretary of HHS, 393
Brockel v. Sullivan [45,983], 739
Brown v. Sullivan, 629
Burton v. Secretary of HHS, 162
Davis v. Secretary of HHS, 1201
Dennard v. Secretary of HHS, 879
Elifritz, *In re* [45,874], 266
Estelle v. Secretary of HHS, 1401
Fedison v. Secretary of HHS, 1313
Hatcher v. Secretary of HHS, 276
Herr v. Sullivan, 1201
Houston v. Sullivan, 162
Johnson v. Sullivan, 162
LaPorta v. Bowen, 630
Loy v. Secretary of HHS, 628
Martin v. Sullivan, 629
Melton v. Secretary of HHS, 754
Nappa v. Secretary of HHS, 277
Ness v. Sullivan, 629
Raske, *In re* [45,998], 740
Reyes v. Sullivan, 1201
Ricketts v. Secretary of HHS, 628
Tavoletti v. Sullivan, 393
Taylor v. Bowen, 754
Trentini v. Sullivan, 393
Wright v. Sullivan, 628

□ **Alcoholism**

Brown v. Sullivan, 630
Johnson v. Sullivan, 1313
Schoolcraft v. Sullivan [45,479], 608
Sullivan, *In re* [44,589], 628
Wilkerson v. Sullivan [44,589], 855

□ **Availability of Other Work**

Dean v. Sullivan, 629

□ **Blind Persons**

Turpin v. Sullivan [44,994], 1386

□ **Cessation of Disabilities**

Davis, *In re* [45,878], 265
Fedison v. Secretary of HHS, 1313
York v. Sullivan [45,839], 608

□ **Cumulative Effect of Disabilities**

Begley v. Sullivan [43,988], 54, 265, 1178
Brown v. Sullivan, 629
Kouril v. Bowen, 1201
Marcia v. Sullivan, 392
Ness v. Sullivan, 629
Sorenson v. Bowen [45,065], 607
Wilson v. Sullivan, 630

□ **Date of Onset**

Golden v. Secretary of HHS, 879
Guy v. Sullivan, 630
Ivy v. Sullivan, 392
Lindner v. Sullivan, 628
Titus v. Sullivan [46,332], 1385
Wilcox v. Sullivan, 1313
Williams v. Sullivan, 629
Wright v. Sullivan, 628

□ **Determining Medical Equivalency**

Finkelstein v. Sullivan [46,091], 855

□ **Headaches**

Wagner v. Secretary of HHS, 753

□ **Long-Term Unskilled Labor**

Bainey v. Secretary of HHS, 393

□ **Medical-Vocational Guidelines**

Johnson v. Sullivan, 162

□ **Mental Disabilities**

Canales v. Sullivan, 1203
Galarza v. Secretary of HHS [46,333], 1386
Martin v. Sullivan, 1313

□ **Method of Evaluation**

Aspros v. United States R.R. Retirement Bd., 628
Begley v. Sullivan [43,988], 54, 265, 1178
Schoolcraft v. Sullivan [45,479], 608
Turpin v. Sullivan [44,994], 1386
Wilson v. Sullivan, 630

□ **Prisoners**

Davel v. Sullivan, 628
Quinlivan v. Sullivan [46,189], 1177

□ **Proof and Severity of Disability**

Baughman v. Sullivan, 1203
Brown v. Sullivan, 630
Johnson v. Sullivan, 1313
Naydihor v. Sullivan, 1203
New York v. Sullivan [43,035], 606
Turpin v. Sullivan [44,994], 1386
Young v. Sullivan, 1202

□ **Waiting Period**

Nappa v. Secretary of HHS, 277

Evidence

□ **Credibility**

Ash v. Sullivan, 1313
Caldwell v. Sullivan, 630
Hatcher v. Secretary of HHS, 276
Johnson v. Sullivan, 879
LaPorta v. Bowen, 630
Sorenson v. Bowen [45,065], 607

□ **Cross-Examination**

Lidy v. Sullivan, 1201

□ **Cumulative Effect of Disabilities**

Begley v. Sullivan [43,988], 54, 265, 1178
Brown v. Secretary of HHS, 879
Wilson v. Sullivan, 630

□ **Erroneous Legal Standard**

Wilkerson v. Sullivan [44,589], 855

□ **Grid Regulations**

Baber v. Secretary of HHS [45,744], 379
Welchance v. Bowen, 277

□ **Medical Equivalence**

Finkelstein v. Sullivan [46,091], 855
Baber v. Secretary of HHS [45,744], 379

□ **Medical Evidence**

Baughman v. Sullivan, 1203
Boatwright v. Sullivan [45,592], 146
Brockel v. Sullivan [45,983], 739
Brown v. Secretary of HHS, 879
Golden v. Secretary of HHS, 879
Kouril v. Bowen, 1201
Loy v. Secretary of HHS, 628
Naydihor v. Sullivan, 1203
Weeks v. Sullivan [45,840], 607

□ **Medical Findings**

Estelle v. Secretary of HHS, 1401
New York v. Sullivan [43,035], 606
Villa v. Sullivan, 162

□ **Medical-Vocational Guidelines**

Abbott v. Sullivan, 754
Sorenson v. Bowen [45,065], 607
Welchance v. Bowen, 277

□ **Mental Disabilities**

Boyes v. Sullivan, 629
Estelle v. Secretary of HHS, 1401

□ **Pain**

Brockel v. Sullivan [45,983], 739
Gonzalez v. Sullivan, 1202
Hatcher v. Secretary of HHS, 276
Hogard v. Sullivan, 629
Hyatt v. Sullivan [35,159], 392
Jenkins v. Sullivan, 753
Johnson v. Sullivan, 879
Johnson v. Sullivan, 1313
LaPorta v. Bowen, 630
Luna v. Sullivan [35,927], 53
Martin v. Sullivan, 1313
Penn v. Sullivan, 162
Rice v. Sullivan, 1202
Rivera v. Sullivan, 64
Trentini v. Sullivan, 393
Villa v. Sullivan, 162
Weeks v. Sullivan [45,840], 607
York v. Sullivan [45,839], 608

□ **Substantial**

Baber v. Secretary of HHS [45,744], 379
Brown v. Sullivan, 629
Herr v. Sullivan, 1201
Johnson v. Sullivan, 879
Pitzer v. Sullivan, 879
Reyes v. Sullivan, 1201
Rivera v. Sullivan, 64
Taylor v. Bowen, 754

□ **Testimony of Treating Physician**

Cartner v. Secretary of HHS [46,866], 608
Davis v. Secretary of HHS, 1201
Rice v. Sullivan, 1202
Rivera v. Sullivan, 64
Wagner v. Secretary of HHS, 753

Grid Regulations

Baber v. Secretary of HHS [45,744], 379

Hearings

□ **Failure to Understand Procedures**

Hatcher v. Secretary of HHS, 276

□ **Fair Hearing Rights**

Elifritz, *In re* [45,874], 266

□ **Illiterate Claimants**

Skinner v. Secretary of HHS, 628

□ **Posthearing Examination**

Coffin v. Sullivan, 162

□ **Responsibilities of ALJ**

Berry v. Sullivan, 754
Brown v. Sullivan, 630
Demenech v. Secretary of HHS, 1202
Elifritz, *In re* [45,874], 266

Grant v. Sullivan [44,741], 33, 583, 1146
LaPorta v. Bowen, 630
Marcia v. Sullivan, 392
Sullivan v. Sullivan, 746
Weeks v. Sullivan [45,840], 607
Welchance v. Bowen, 277

□ **Testimony**
Ash v. Sullivan, 1313
Coffin v. Sullivan, 162
Davis v. Secretary of HHS, 1201
Ekeland v. Bowen, 392
Elifritz, *In re* [45,874], 266
Golden v. Secretary of HHS, 879
Martin v. Sullivan, 1313
Ness v. Sullivan, 629
Penn v. Sullivan, 162
Stieberger v. Sullivan [30,830], 54, 754
Wilmer v. Sullivan [44,791], 146, 709

□ **Vocational Evaluations**
Ash v. Sullivan, 1313
Davis v. Secretary of HHS, 1201
Welchance v. Bowen, 277

Impairments
Gonzalez v. Sullivan, 1202
Wilson v. Sullivan, 630

□ **Listing**
Baber v. Secretary of HHS [45,744], 379
Begley v. Sullivan [43,988], 54, 265, 1178
Estelle v. Secretary of HHS, 1401
Johnson v. Sullivan, 1313
Marcia v. Sullivan, 392
Murray v. Secretary of HHS [45,954], 739
Trentini v. Sullivan, 393

□ **Severity**
Martin v. Sullivan, 629

Lump Sum Payments
Rodlin v. Secretary of HHS, 1313
Sciarotta v. Bowen, 630
Shabazz v. Bowen, 1201

Medical-Vocational Guidelines
Johnson v. Sullivan, 162
Sorenson v. Bowen [45,055], 607

Mental Disabilities
Abbott v. Sullivan, 754
Boyes v. Sullivan, 629
Brown v. Secretary of HHS, 879
Crytes v. Schafer, 1203
Ekeland v. Bowen, 392
Estelle v. Secretary of HHS, 1401
Raske, *In re* [45,998], 740

Overpayments
Davis, *In re* [45,878], 265

Payment of Benefits
Crytes v. Schafer, 1203

Preformulated Decision
Boatwright v. Sullivan [45,592], 146

Prescribed Treatment
Villa v. Sullivan, 162

Presumptive Disability
Pitzer v. Sullivan, 879

Psychiatric Examinations
Golden v. Secretary of HHS, 879
Williams v. Sullivan, 629

Reduction in Benefits
Draper v. Sullivan, 393

□ **Offset**
Rodlin v. Secretary of HHS, 1313
Sciarotta v. Bowen, 630
Shinn v. Sullivan, 1201

Res Judicata
Amato v. Bowen, 754
Peck v. Sullivan [44,900], 1178
Robbins v. Secretary of HHS, 162

Retroactive Benefits
Guy v. Sullivan, 630
Rivera v. Sullivan, 64

Review by Appeals Council
Canales v. Sullivan, 1203
Morris v. Sullivan, 276

Severity of Impairment
Loy v. Secretary of HHS, 628

Standards
Hogard v. Sullivan, 629
Luna v. Sullivan [36,927], 53
New York v. Sullivan [43,035], 606

Subjective Pain
Brown v. Secretary of HHS, 879
Brown v. Sullivan, 629
Gonzalez v. Sullivan, 1202
Hyatt v. Sullivan [36,159], 392
Jenkins v. Sullivan, 753
Johnson v. Sullivan, 879
Luna v. Sullivan [36,927], 53
Martin v. Sullivan, 1313
Ricketts v. Secretary of HHS, 628
Sullivan v. Sullivan, 746
Weeks v. Sullivan [45,840], 607
York v. Sullivan [45,839], 608

Substantial Gainful Activity
Berry v. Sullivan, 754
Davis, *In re* [45,878], 265
Difford v. Secretary of HHS, 1201
Garnett v. Sullivan [43,399], 753
Melton v. Secretary of HHS, 754
Raske, *In re* [45,998], 740
Sullivan, *In re* [44,589], 628
Wilkerson v. Sullivan [44,589], 855
Wright v. Sullivan, 628

□ **Subsidized Employment**
B., *In re* [45,669], 266
Nappa v. Secretary of HHS, 277

Termination
Demenech v. Secretary of HHS, 1202
Wells v. Sullivan, 867

□ **Cessation of Disabilities**
Difford v. Secretary of HHS, 1201
Fedison v. Secretary of HHS, 1313
York v. Sullivan [45,839], 608

Vocational Evaluations
Ash v. Sullivan, 1313
Coffin v. Sullivan, 162
Dean v. Sullivan, 629
Ekeland v. Bowen, 392
Nappa v. Secretary of HHS, 277

Divorce
Kirk v. Kirk, 869
Williams v. Williams, 748

Effect on Spouse's Benefits
Bowlden v. Bowlden, 869
Christmas v. Christmas, 387
George v. Sullivan, 879
Weberg v. Weberg, 1396

Eligibility
Ivy v. Sullivan, 392

Estoppel Against Agency
Dennard v. Secretary of HHS, 879

Judicial Review
Bishop v. Sullivan, 629
Robbins v. Secretary of HHS, 162
Stieberger v. Sullivan [30,830], 54, 754

Jurisdiction
Cartner v. Secretary of HHS [45,868], 608
White v. Sullivan, 629

Practice and Procedure
Taylor v. Bowen, 754

Scope
White v. Sullivan, 629

Standards
Coffin v. Sullivan, 162

Mother's Insurance Benefits

Eligibility
McKee v. Sullivan, 754

Notices
Peck v. Sullivan [44,900], 1178

Overpayments
Decicco v. Sullivan [46,337], 1385
Garnett v. Sullivan [43,399], 753
Murray v. Secretary of HHS [45,954], 739

Discharge in Bankruptcy
United States v. Jones [45,779], 380

Recoupment
Anderson v. Sullivan, 1202
Brown v. Secretary of HHS [44,787], 53, 606
Sullivan v. Everhart [43,697], 52

□ **Without Fault**
Broeckert v. Sullivan, 1401
Steinhardt v. Sullivan, 1401

Waiver
Albalos v. Sullivan, 879
Anderson v. Sullivan, 1202
Broeckert v. Sullivan, 1401
Quinlivan v. Sullivan [46,198], 1177
Steinhardt v. Sullivan, 1401
Valente v. Sullivan, 276

Records
Jones v. Sullivan [44,307], 378

Representative Payee
Briggs v. Sullivan [44,288], 145, 736
County of Essex v. Waldman, 1399

Overpayments
Steinhardt v. Sullivan, 1401

Res Judicata
Draper v. Sullivan, 393

▪ Retirement Benefits

Anderson v. Sullivan, 1202

Earnings Limitation

Brown v. Secretary of HHS [44,787], 53, 606

◻ Exempt Earnings

Ballard v. Sullivan, 629

Reduction

Ortiz v. Regan, 1312

Retroactive Payments

◻ Early Retirement

Smithback v. Sullivan, 392

▪ Survivors' Benefits

Eligibility

Begley v. Sullivan [43,988], 54, 265, 1178
McKee v. Sullivan, 754
Miller v. McGovern, 879

Illegitimate Children

Becker v. Secretary of HHS, 162
Bennemon v. Sullivan, 1201
Brady v. Sullivan [43,882], 156
DeSonier v. Sullivan, 754
Orsini v. Sullivan, 754
Parker v. Sullivan, 64

Presumption of Death

Daubert v. Sullivan, 629

▪ Termination

B., *In re* [45,889], 266

▪ Widows' (Widowers') Insurance Benefits

Decicco v. Sullivan [46,337], 1385

Disability

Begley v. Sullivan [43,988], 54, 265, 1178
Bennett v. Sullivan, 1313
Bozzi v. Sullivan [46,001], 739
Carty v. Sullivan, 630
Cassas v. Secretary of HHS, 162
Cook v. Secretary of HHS, 1203
Davidson v. Secretary of HHS, 1202
Finkelstein v. Sullivan [46,091], 855
Marcus v. Sullivan [38,704], 607
Martel v. Sullivan [46,155], 1177
Robinson v. Sullivan, 630

Eligibility

Begley v. Sullivan [43,988], 54, 265, 1178
Carty v. Sullivan, 630
Cassas v. Secretary of HHS, 162
Finkelstein v. Sullivan [46,091], 855
Martel v. Sullivan [46,155], 1177
Robinson v. Sullivan, 630

◻ Widow of Valid Marriage

Parker v. Sullivan, 276

Presumption of Valid Marriage

Parker v. Sullivan, 276

▪ Wife's Insurance Benefits

Divorce

Loudermilk v. Loudermilk, 1394

SUPPLEMENTAL SECURITY INCOME

Tennessee Dep't of Human Servs. *ex rel.* Young v. Young [46,331], 1386

▪ Appeals Process

Appealable Decision

Matlock v. Sullivan, 879

Appeals Council Review

Gutierrez v. Bowen, 276
Lab, *In re* [46,087], 857

◻ Time Limits

Matlock v. Sullivan, 879

Reopening Decisions

Flynn, *In re* [46,299], 1299
Gutierrez v. Bowen, 276

▪ Applications

Glinsky, *In re* [46,099], 857
L. v. SSA [45,858], 737
Mazza v. Secretary of HHS [45,781], 378

Refusal to Process

◻ Res Judicata

Peck v. Sullivan [44,900], 1178

▪ Assets

Navarro v. Sullivan, 1401

Deemed Income

Carroll, *In re* [45,813], 740
Cervantez v. Sullivan [44,983], 581
Tabib v. Sullivan [43,882], 379

◻ Estranged Spouse's Income

Munoz v. Sullivan [43,870], 264

◻ Living in Household of Another

Kennedy v. Sullivan [45,512], 55

◻ Parents' Income

Rokusek v. Sullivan [45,503], 54

Life Insurance Policies

Horan, *In re* [46,214], 1179

Limitations

Carroll, *In re* [45,813], 740

◻ Savings from SSI and Title II Benefits

Townsend, *In re* [46,296], 1299

Pensions

Kennedy v. Sullivan [45,512], 55
Lunderby v. Department of HHS, 1401

◻ Child's Portion of Veterans' Pension

Sprouse v. Sullivan, 755

Spouse's Income

Munoz v. Sullivan [43,870], 264

Unearned Income

◻ Rentals at Less Than Market Value

Lab, *In re* [46,087], 857

▪ Attachment

First Nat'l Bank of Ada v. Arles [43,788], 1153

▪ Benefits

Esteb v. Enright [46,991], 717, 1156
Huskey v. Asmann [45,814], 603

Applications

Farley v. Sullivan [43,480], 1179
Glinsky, *In re* [46,099], 857

Computation

Farley v. Sullivan [43,480], 1179
Mazza v. Secretary of HHS [45,781], 378
Munoz v. Sullivan [43,870], 264

Entitlement

County of Essex v. Waldman, 1399

Lump Sum Benefits

Anderson v. Bowen [45,532], 53
Long v. Perales [45,517], 58
Montgomery v. Perales [45,516], 58

Payments

Briggs v. Sullivan [44,289], 145, 736

Reduction

Hinton v. Sullivan, 630
Sprouse v. Sullivan, 755

◻ One-Third Rule

Anderson v. Bowen [45,532], 53

◻ Retroactive Benefits

Anderson v. Bowen [45,532], 53
Slocum v. Department of Social Welfare [46,856], 862

▪ Child Support

Gagne v. Barile [44,402], 611
Nelson v. Nelson [45,727], 363

▪ Cost-of-Living Increases

State Supplementary Payments

Thornton v. McMahon [45,723], 363, 863

▪ Disability Benefits

Navarro v. Sullivan, 1401

Availability for Other Work

Tavoletti v. Sullivan, 393

Denial

LaBrie v. Sullivan [46,031], 738
Lucas v. Sullivan [45,836], 264, 1313
Mack v. Secretary of HHS, 1313
Morgan v. Sullivan, 879
Salvador v. Sullivan, 1202
Smith v. Sullivan, 629

Determinations

Mazza v. Secretary of HHS [45,781], 378

Eligibility

Alba v. Sullivan [45,864], 856
Amato v. Bowen, 754
Bozzi v. Sullivan [46,001], 739
Dean v. Sullivan, 629
Disabled Rights Union v. Kizer, 1202
Lebron v. Sullivan [46,178], 1178
Titus v. Sullivan [46,332], 1385
Trentini v. Sullivan, 393

◻ Alcoholism

Brown v. Sullivan, 630
Clem v. Sullivan, 162
Lucas v. Sullivan [45,836], 264, 1313
Shelltrack v. Sullivan [45,982], 739
Smith v. Sullivan, 629
Stokes v. Secretary of HHS, 1203
Wilmer v. Sullivan [44,791], 146, 709

◻ Cessation of Disabilities

York v. Sullivan [45,839], 608

□ **Failure to Rehabilitate**
Lucas v. Sullivan [45,636], 264, 1313

□ **Long-Term Unskilled Labor**
Bainey v. Secretary of HHS, 393

□ **Medical-Vocational Guidelines**
D., *In re* [45,737], 380
Najera v. Sullivan, 628

□ **Mental Disabilities**
Champeno v. Secretary of HHS [45,200], 609
D., *In re* [45,737], 380
Hanscom v. Sullivan [46,259], 1299
Morgan v. Sullivan, 879
Smith v. Sullivan [45,582], 145

□ **Method of Evaluation**
Thompson v. Sullivan [45,599], 737
Zebley v. Sullivan [43,127], 52, 265, 609

□ **Substantial Gainful Activity**
Dix v. Sullivan, 392
LaBrie v. Sullivan [46,031], 738

Evidence

□ **Functional Capacity Assessment**
Dean v. Sullivan, 629
Flynn, *In re* [46,289], 1299
Maher v. Secretary of HHS, 392
Robinson v. Sullivan [46,278], 1299
Shelltrack v. Sullivan [45,982], 739

□ **Medical Evidence**
Baughman v. Sullivan, 1203
Cruz v. Sullivan, 1201
Swanson v. Sullivan [46,307], 1298

□ **Medical Findings**
Smith v. Sullivan [45,582], 145
Weeks v. Sullivan [45,940], 607

□ **Medical-Vocational Guidelines**
Najera v. Sullivan, 628

□ **New**
Clem v. Sullivan, 162

□ **Pain**
Bunnell v. Sullivan, 1202
Dix v. Sullivan, 392
Hill v. Sullivan [45,598], 145
LaBrie v. Sullivan [46,031], 738
Najera v. Sullivan, 628
Prince v. Bowen, 162
Ricketts v. Secretary of HHS, 628
Shelltrack v. Sullivan [45,982], 739
Swindle v. Sullivan, 1202
Thompson v. Sullivan [45,599], 737
Trentini v. Sullivan, 393
Weeks v. Sullivan [45,940], 607
York v. Sullivan [45,839], 608

□ **Substantial**
Champeno v. Secretary of HHS [45,200], 609
D., *In re* [45,737], 380
Lucas v. Sullivan [45,636], 264, 1313
Mack v. Secretary of HHS, 1313
Robinson v. Sullivan [46,278], 1299

□ **Treating Physician**
Hill v. Sullivan [45,598], 145
Mack v. Secretary of HHS, 1313
Prince v. Bowen, 162
Smith v. Sullivan [45,582], 145

□ **Vocational Expert Testimony**
Dean v. Sullivan, 629
Lebron v. Sullivan [46,179], 1178
Lucas v. Sullivan [45,636], 264, 1313
Najera v. Sullivan, 628
Robinson v. Sullivan [46,278], 1299
Shelltrack v. Sullivan [45,982], 739
Swanson v. Sullivan [46,307], 1298
Wilmer v. Sullivan [44,791], 148, 709

Hearings

□ **Presence at Hearing**
Hill v. Sullivan [45,598], 145

□ **Responsibilities of ALJ**
Alba v. Sullivan [45,884], 856
Berry v. Sullivan, 754
Brown v. Sullivan, 630
Cruz v. Sullivan, 1201

Mental Disabilities
Champeno v. Secretary of HHS [45,200], 609
D., *In re* [45,737], 380
Hanscom v. Sullivan [46,259], 1299
L. v. SSA [45,988], 737
Lebron v. Sullivan [46,179], 1178
Smith v. Sullivan [45,582], 145
Stokes v. Secretary of HHS, 1203

Overpayments
Ramirez, *In re* [43,744], 147
Zachary v. Sullivan [46,099], 856

Disabled Children's Benefits

Gagne v. Barile [44,402], 611

Deeming of Parents' Income
Belden v. Sullivan [45,740], 379
Carroll, *In re* [45,813], 740
Nelson v. Nelson [45,727], 363

Eligibility
Belden v. Sullivan [45,740], 379
Zebley v. Sullivan [43,127], 52, 265, 609

Standards
Belden v. Sullivan [45,740], 379
Zebley v. Sullivan [43,127], 52, 265, 609

Discrimination

Munoz v. Sullivan [43,670], 264

Eligibility

Carroll, *In re* [45,813], 740
Tabib v. Sullivan [43,862], 379

Denial
Glinsky, *In re* [46,099], 857

Financial Requirements
Anderson v. Sullivan [45,889], 738
Horan, *In re* [46,214], 1179
Koolstra v. Sullivan, 1202
Rokusek v. Sullivan [45,503], 54

Income-Producing Property
Rokusek v. Sullivan [45,503], 54

Residency Requirements
Glinsky, *In re* [46,099], 857

□ **Public Institutions**
Hanscom v. Sullivan [46,259], 1299

Substantial Gainful Activity
Berry v. Sullivan, 754

Evidence

Lab, *In re* [46,087], 857

Hearings

Responsibilities of ALJ
Salvador v. Sullivan, 1202

Income

Gay v. Sullivan [44,289], 737

Determination
Cervantez v. Sullivan [44,980], 581
Farley v. Sullivan [43,460], 1179
Martin v. Sullivan [43,401], 856
Sprouse v. Sullivan, 755

□ **Deemed Income**
Anderson v. Sullivan [45,889], 738
Kennedy v. Sullivan [45,512], 55
Munoz v. Sullivan [43,670], 264

□ **Pensions**
Anderson v. Sullivan [45,889], 738
Kennedy v. Sullivan [45,512], 55
Lunderby v. Department of HHS, 1401

In-Kind
Anderson v. Bowen [45,532], 53
Hinton v. Sullivan, 630

□ **Exemptions**
Koolstra v. Sullivan, 1202

□ **Rentals at Less Than Market Value**
Lab, *In re* [46,087], 857

□ **Residence with Relative**
Lab, *In re* [46,087], 857

Limitations
Martin v. Sullivan [43,401], 856

Medicaid Eligibility

Darling v. Sullivan [42,592], 360, 841, 1281

Concurrent Eligibility
Disabled Rights Union v. Kizer, 1202
Mazza v. Secretary of HHS [45,761], 378

Overpayments

Hinton v. Sullivan, 630
Ramirez, *In re* [43,744], 147
Zachary v. Sullivan [46,099], 856

Determination
Lab, *In re* [46,087], 857

Excess Resources
Townsend, *In re* [46,296], 1299

Regulations

Koolstra v. Sullivan, 1202
Thornton v. McMahon [45,723], 383, 863

Representative Payee

Briggs v. Sullivan [44,289], 145, 736

State Supplementary Program

Eligibility
Thornton v. McMahon [45,723], 383, 863

Special Needs Grants
Thornton v. McMahon [45,723], 383, 863

Termination

Hinton v. Sullivan, 630

TAXES

Abatement

Dodge v. Town of Norridgewock [45,981], 709, 880

Exemptions

Benjamin v. Arizona Dep't of Revenue, 163

Income Taxes

Roberts v. United States [44,771], 582

Refund Intercept

Grider v. Cavazos [45,214], 838
Hurst v. United States Dep't of Educ., 621
Kendal v. Cason, 618
Mushero v. Commissioner, Dep't of Human Servs. [46,037], 741
Mushero v. Ives [46,041], 741
Richardson v. Baker [40,719], 36

Liens

Isom, *In re*, 617

Property Taxes

Missouri v. Jenkins, 273

Abatement

Dodge v. Town of Norridgewock [45,981], 709, 880

Exemptions

Galindo v. Keen [45,994], 732

TRUTH IN LENDING

See also CONSUMER

De Jesus v. Banco Popular de P.R., 1304

Bait and Switch

California v. ITT Consumer Fin. Corp. [45,586], 129
Five Avco Fin. Servs. v. Dunbar [45,711], 362

Counterclaims

Five Avco Fin. Servs. v. Dunbar [45,711], 362
United Mortgage Servs. v. Jimerson [45,672], 246

Creditor

Definition

Holmes v. Telecredit Serv. [45,712], 360

Disclosure

Bagwell v. M. Kovens Co. [45,614], 586
California v. ITT Consumer Fin. Corp. [45,586], 129
Candelaria v. Nissan Motor Acceptance [45,763], 712
Grigsby v. Thorp Consumer Discount (*In re* Grigsby) [46,176], 1153
Hemauer v. ITT Fin. Servs. [45,761], 712
United Mortgage Servs. v. Jimerson [45,672], 246

Amount Financed

Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

Annual Percentage Rate

Elliott v. ITT Corp. [45,509], 36
Rioux v. CF Inv. [46,178], 1152

Finance Charges

Elliott v. ITT Corp. [45,509], 36
Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008], 712
Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

Right to Rescind

Five Avco Fin. Servs. v. Dunbar [45,711], 362

Finance Charges

Service Charges

Smith v. Fidelity Consumer Discount Co. [45,518], 34, 127, 386

Leases

Option to Purchase

Starks v. Rent-A-Center [45,215], 361

Loans

Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008], 712

Regulation Z

Stone v. Mehlberg, 61

Rental Agreements

Purchase Options

Starks v. Rent-A-Center [45,215], 361

Rescission

Elliott v. ITT Corp. [45,509], 36
Grigsby v. Thorp Consumer Discount (*In re* Grigsby) [46,176], 1153
Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008], 712
Rioux v. CF Inv. [46,178], 1152
Stone v. Mehlberg, 61

Home Improvement Loans

Five Avco Fin. Servs. v. Dunbar [45,711], 362

Security Interest

Eversole v. Central Fin. Servs. (*In re* Eversole) [46,183], 1152

Single Document Requirement

Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008], 712

Two-Note Financing

Five Avco Fin. Servs. v. Dunbar [45,711], 362

UNEMPLOYMENT COMPENSATION

Administrative Procedures

Blundi v. Unemployment Appeals Comm'n, 1203

Judges

Sexton v. Canady [46,184], 1180

Review of Cases

Sexton v. Canady [46,184], 1180

Aliens

Escatel v. Board of Review of Ill. Dep't of Employment Sec. [46,131], 1180
Pickering v. Labor & Ind. Review Comm'n, 755

Appeals

Breithaupt v. Employment Appeal Bd., 393
Dala v. Board of Review of W. Va. Dep't of Employment Sec. [46,134], 1150
Sonic Drive-In v. Hernandez, 1402

Constitutionality of Procedures

Weissel v. Presbyterian St. Lukes Medical Center [46,301], 1300

Exhaustion of Remedies

Johnides v. St. Lawrence Hosp., 755

Jurisdictional Defects

Allen v. Department of Employment Servs., 880

Notices

Allen v. Department of Employment Servs., 880
Blundi v. Unemployment Appeals Comm'n, 1203
Doty v. Alabama Dep't of Indus. Relations, 880
Fontanette v. Whitfield [45,832], 610
Holstein v. North Chem. Co., 631
White v. Allen, 1402

Prompt Processing

Doty v. Alabama Dep't of Indus. Relations, 880
Sexton v. Canady [46,184], 1180

Substantial Evidence

Barker v. Employment Sec. Comm'n of Wyo. [45,708], 380
Nadeau v. North Carolina Employment Sec. Comm'n, 163
O'C., *In re* [45,803], 148

Benefits

Amount

Barton v. Saunders [44,201], 1386

Computation

Barton v. Saunders [44,201], 1386

Denial

Blackwell v. Review Bd. of Ind. Dep't of Employment & Training Servs., 1313
Breithaupt v. Employment Appeal Bd., 393
Buchanan v. Pennsylvania Unemployment Compensation Bd. of Review, 1314
Carey v. Pennsylvania Unemployment Compensation Bd. of Review, 163
Eggleston v. Illinois Dep't of Employment Sec., 880
Freeman v. District of Columbia Dep't of Employment Servs., 163
Grider v. Administrator, Dep't of Employment Sec., 880
Hammond v. Commonwealth of Pa., Unemployment Compensation Bd. of Review, 163
Independent School Dist. No. 1 v. Logan, 393
Moore v. Unemployment Compensation Bd. of Review, 881
Nilsson v. Borman's, Inc. [46,093], 858
Public Serv. Co. of Colo. v. Ingle, 880
Ryan v. Review Board of Ind. Dep't of Employment & Training Servs., 1314
Wargon v. Industrial Claim Appeals Office of Colo., 277
Western Sizzlin v. Arkansas Director of Labor, 163

Disqualification

Harris v. Ohio Bureau of Employment Serv., 631

Denial Period

Grider v. Administrator, Dep't of Employment Sec., 880

Failure to Accept Work

Mississippi Employment Sec. Comm'n v. Phillips, 755
Walters v. Board of Review of W. Va. Dep't of Employment Sec. [46,104], 859

Failure to Pay Union Fine

Pearson v. Board of Review of Dep't of Employment Sec., 277

Falsified Application

Johnson v. Employment Div., 1402

Insubordination

□ **Vulgar Language**

French v. Whitfield [44,982], 380

Labor Disputes

Acme Corrugated Box Co. v. Pennsylvania Unemployment Compensation Bd. of Review, 163
Highway Drivers, Local 710 v. Ward, 1203

Misconduct

Barker v. Employment Sec. Comm'n of Wyo. [45,708], 380
Breithaupt v. Employment Appeal Bd., 393
Fontanette v. Whitfield [45,832], 610
General Asphalt Co. v. Harris, 755
Groover v. Unemployment Compensation Bd. of Review, 1204
Independent School Dist. No. 1 v. Logan, 393
Knarr v. Unemployment Compensation Bd. of Review, 1204
Mississippi Employment Sec. Comm'n v. Phillips, 755
Moore v. Illinois Dep't of Employment Sec. [45,508], 55
Pennsylvania Power Co. v. Unemployment Compensation Bd. of Review, 1204
Runkle v. Unemployment Compensation Bd. of Review [46,197], 1179
Smith v. Employment Div. [43,981], 1401
Stanton v. Missouri Div. of Employment Sec., 1402
Texas Employment Comm'n v. Torvik, 1402

□ **Absenteeism**

Bandemer v. Illinois Dep't of Employment Sec., 1313
Mississippi Employment Sec. Comm'n v. Martin, 1401
Price v. Blache, 631
Shields v. Kentucky Unemployment Ins. Comm'n [45,221], 381
Wilson v. Illinois Dep't of Employment Sec., 631

□ **Commission of Felony**

Phoebus v. Pennsylvania Unemployment Compensation Bd. of Review, 631

□ **False Statements**

Goodwin v. Board of Review of W. Va. Dep't of Employment Sec. [46,102], 859

□ **Falsified Application**

Cadwallader v. Administrator, Office of Employment Sec., 631

□ **Insolence**

French v. Whitfield [44,982], 380

□ **Negligence**

Dunfee v. Board of Review of W. Va. Dep't of Employment Sec. [46,103], 859
Sebree v. Board of Review of W. Va. Dep't of Employment Sec. [46,107], 859
Spruell v. Allied Meadows Corp., 393

□ **Rule Violation**

A. Tenenbaum Co. v. Director of Labor, 1402
Barkley v. Peninsula Transp. Dist. Comm'n, 1402
Brunson v. Pennsylvania Unemployment Compensation Bd. of Review, 277
Holmes v. Berg, 631
Mississippi Employment Sec. Comm'n v. McGlothin, 163
Moore v. Unemployment Compensation Bd. of Review, 881
Nadeau v. North Carolina Employment Sec. Comm'n, 163
O'C., *In re* [45,603], 148
Pickett v. Unemployment Compensation Bd. of Review, 1314
Ray v. Bivens, 755
Spruell v. Allied Meadows Corp., 393
Stagner v. Oklahoma Bd. of Review, 631
Wilson v. Illinois Dep't of Employment Sec., 631

□ **Theft**

Corvallis Tool Co. v. Employment Div., 1204

Notice

Nadeau v. North Carolina Employment Sec. Comm'n, 163

Suspension

□ **Disciplinary**

Groover v. Unemployment Compensation Bd. of Review, 1204

Voluntarily Leaving Without Good Cause

Barren River Mental Health-Mental Retardation Bd. v. Bailey [43,558], 55
Brandt v. Master Communication Corp. [45,587], 147
Bublis v. District of Columbia Dep't of Employment Servs., 755
Calvin v. Director of Labor, 755
Celis v. North Carolina Employment Sec. Comm'n, 393
Clarke v. Michigan Employment Sec. Comm'n [45,428], 858
Grant v. Board of Review of Ill. Dep't of Employment Sec., 880
Grider v. Administrator, Dep't of Employment Sec., 880
Hammond v. Commonwealth of Pa., Unemployment Compensation Bd. of Review, 163
Johnides v. St. Lawrence Hosp., 755
Kawa v. Pennsylvania Unemployment Compensation Bd. of Review, 631
Krawczyszyn v. Ohio Bureau of Employment Servs., 1314
Lopez v. Employment Sec. Div., 1401
Nilsson v. Borman's, Inc. [46,093], 858
Pearson v. Board of Review of Dep't of Employment Sec., 277
Ritenour v. Unemployment Appeals Comm'n, 1402
Standridge v. Board of Review of Okla. Employment Sec. Comm'n, 277
Stumpfel v. Board of Review of W. Va. Dep't of Employment Sec. [46,109], 860
Thomson v. Louisiana, 880
Western Sizzlin v. Arkansas Director of Labor, 163
Wolford v. Gatson, 631

▪ Eligibility

Castillo v. Jackson [46,256], 1293
Escatel v. Board of Review of Ill. Dep't of Employment Sec. [46,131], 1180

Ability to Work

Acme Corrugated Box Co. v. Pennsylvania Unemployment Compensation Bd. of Review, 163
Perkins v. Equal Opportunity Comm'n, 163
Sonneman v. Knight, 630
Western Sizzlin v. Arkansas Director of Labor, 163
Willis v. Illinois Dep't of Employment Sec. [45,504], 56

Adjustment of Hours

Forsman v. Employment Sec. Dep't of Wash., 1204, 1402
Minneapolis Park & Recreation Bd. v. LeCuyer, 755
Newland v. Job Serv. N.D., 1203

Available for Full-Time Work

Sonneman v. Knight, 630
Thomson v. Louisiana, 880

Covered Employment

Department of Educ., Scotland School for Veterans' Children v. Unemployment Compensation Bd. of Review, 880
Eastman v. Administrator, Ohio Bureau of Employment Servs. [45,638], 266
Freeman v. District of Columbia Dep't of Employment Servs., 163

Discharge

A. Tenenbaum Co. v. Director of Labor, 1402
Barkley v. Peninsula Transp. Dist. Comm'n, 1402
Barren River Mental Health-Mental Retardation Bd. v. Bailey [43,558], 55
French v. Whitfield [44,982], 380
General Asphalt Co. v. Harris, 755
Independent School Dist. No. 1 v. Logan, 393
Moore v. Illinois Dep't of Employment Sec. [45,508], 55
O'C., *In re* [45,603], 148
Pearson v. Board of Review of Dep't of Employment Sec., 277
Runkle v. Unemployment Compensation Bd. of Review [46,197], 1179

□ **Good Cause**

Blackwell v. Review Bd. of Ind. Dep't of Employment Training Servs., 1313
Dunfee v. Board of Review of W. Va. Dep't of Employment Sec. [46,103], 859
FDL Foods, Inc. v. Employment Appeal Bd., 755
Harris v. Ohio Bureau of Employment Serv., 631
Ray v. Bivens, 755
Ryan v. Review Board of Ind. Dep't of Employment & Training Servs., 1314
Shields v. Kentucky Unemployment Ins. Comm'n [45,221], 381

Educational Institutions

Department of Educ., Scotland School for Veterans' Children v. Unemployment Compensation Bd. of Review, 880
Mississippi Employment Sec. Comm'n v. McGlothin, 163

Labor Disputes

Acme Corrugated Box Co. v. Pennsylvania Unemployment Compensation Bd. of Review, 163
Barker v. Employment Sec. Comm'n of Wyo. [45,708], 380
Goodwin v. Board of Review of W. Va. Dep't of Employment Sec. [46,102], 859

Leave of Absence

Johnides v. St. Lawrence Hosp., 755

Licensed Professionals

Clarke v. Michigan Employment Sec. Comm'n [45,428], 858

Part-Time Workers

Freeman v. District of Columbia Dep't of Employment Servs., 163

Refusal to Accept Employment

□ **Good Cause**

Walters v. Board of Review of W. Va. Dep't of Employment Sec. [46,104], 859

Reporting Requirements

Blundi v. Unemployment Appeals Comm'n, 1203
Eggleston v. Illinois Dep't of Employment Sec., 880

Search for Work

Puckett v. Johns Hopkins Hosp. [45,588], 148

Seasonal Laborer

Carey v. Pennsylvania Unemployment Compensation Bd. of Review, 163

Self-Employed Workers

Buchanan v. Pennsylvania Unemployment Compensation Bd. of Review, 1314

Spot Laborer

Minneapolis Park & Recreation Bd. v. LeCuyer, 755

Suspension

FDL Foods, Inc. v. Employment Appeal Bd., 755

Voluntarily Leaving

Freeman v. District of Columbia Dep't of Employment Servs., 163
Puckett v. Johns Hopkins Hosp. [45,588], 148
Ritenour v. Unemployment Appeals Comm'n, 1402

□ **Choice of Being Fired**

Perkins v. Equal Opportunity Comm'n, 163

□ **Good Cause**

Barren River Mental Health-Mental Retardation Bd. v. Bailey [43,558], 55
Blackwell v. Review Bd. of Ind. Dep't of Employment & Training Servs., 1313
Brandt v. Master Communication Corp. [45,587], 147
Bublis v. District of Columbia Dep't of Employment Servs., 755
Calvin v. Director of Labor, 755
Celis v. North Carolina Employment Sec. Comm'n, 393
Clarke v. Michigan Employment Sec. Comm'n [45,428], 858
Eggleston v. Illinois Dep't of Employment Sec., 880
Forsman v. Employment Sec. Dep't of Wash., 1204, 1402
Glammer v. Unemployment Compensation Bd. of Review, 1402
Grant v. Board of Review of Ill. Dep't of Employment Sec., 880
Grider v. Administrator, Dep't of Employment Sec., 880
Hammond v. Commonwealth of Pa., Unemployment Compensation Bd. of Review, 163
Howard v. Vermont Dep't of Employment & Training, 631
Johnides v. St. Lawrence Hosp., 755
Krawczyszyn v. Ohio Bureau of Employment Servs., 1314
Lopez v. Employment Sec. Div., 1401
Merkel v. Hip of N.J., 631
Newland v. Job Serv. N.D., 1203
Newland v. Job Serv. N.D., 1203
Nilsson v. Borman's, Inc. [46,093], 858
Olson v. Employment Appeal Bd. [45,009], 1204
Perkins v. Equal Opportunity Comm'n, 163
Public Serv. Co. of Colo. v. Ingle, 880
Rymer v. Board of Review of W. Va. Dep't of Employment Sec. [46,108], 859
Standridge v. Board of Review of Okla. Employment Sec. Comm'n, 277
Stumpfel v. Board of Review of W. Va. Dep't of Employment Sec. [46,109], 860
Thomson v. Louisiana, 880
Wargon v. Industrial Claim Appeals Office of Colo., 277
Willis v. Illinois Dep't of Employment Sec. [45,504], 56
Wolford v. Gatson, 631

Waiting Periods

Minneapolis Park & Recreation Bd. v. LeCuyer, 755

Work Search

Cosby v. Jackson [34,728], 880

▪ Fraud

False Statements

Johnson v. Employment Div., 1402

▪ Hearings

Sonic Drive-In v. Hernandez, 1402

Notices

Doty v. Alabama Dep't of Indus. Relations, 880
Fontanette v. Whitfield [45,832], 610

Representation

Simmons v. Traughber [44,811], 755

Telephone Hearings

Butts v. Swaim Supply Co. [46,084], 858
Weissel v. Presbyterian St. Lukes Medical Center [46,301], 1300

Witnesses

Glammer v. Unemployment Compensation Bd. of Review, 1402

▪ Recoupment

Overpayments

Dala v. Board of Review of W. Va. Dep't of Employment Sec. [46,134], 1150

□ **Notice**

Sexton v. Tyson [46,108], 859

□ **Without Fault**

Sexton v. Tyson [46,108], 859

▪ Trade Readjustment Assistance Act

Eligibility

Eastman v. Administrator, Ohio Bureau of Employment Servs. [45,638], 266
International Union, UAW v. Dole [44,447], 857
Tyler v. United States Dep't of Labor [43,876], 1401
United Elec., Radio & Mach. Workers of Am. v. Brock, 273

Notice

Tyler v. United States Dep't of Labor [43,876], 1401

UNIONS

See EMPLOYMENT, EMPLOYMENT DISCRIMINATION

URBAN RENEWAL

See also HOUSING, RELOCATION

▪ Discrimination

Southside Fair Hous. Comm. v. City of New York, 1307

▪ Low-Income Housing

Akpan v. Koch [43,283], 44, 259

VETERANS

See MILITARY

WELFARE

See also AID TO FAMILIES WITH DEPENDENT CHILDREN, FOOD PROGRAMS, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, SOCIAL SECURITY PROGRAMS, SUPPLEMENTAL SECURITY INCOME

▪ Adequacy of Benefits

Goodwin v. Phelps [46,334], 1389

▪ Administration

Avery v. Lake [46,033], 743
Bivens v. Crowell [46,202], 1183
Florida Dep't of Labor v. DOL, 156
Thornton v. McMahon [45,723], 383, 863

Correction of Agency Error

Hartley, *In re* [45,837], 615

Duty to Inform Recipients of Rights

Gonzalez v. Department of Health & Rehabilitative Servs. [45,584], 151
Hatten-Gonzales v. Valdez [46,043], 861
Rehnberg v. Aronson [45,786], 382

Procedures

Rehnberg v. Aronson [45,786], 382

Promulgation of Rules and Regulations

Adams v. Colorado Dep't of Social Servs. [43,865], 1301
Rodriguez v. Rhode Island Dep't of Human Servs. [45,559], 153

Revision of Programs

Chase v. Ives [45,240], 269

Rulemaking

Clark County Social Servs. Dep't v. Newkirk [43,850], 268

▪ Application Procedures

Alvarez v. Aronson [46,198], 1181
Hatten-Gonzales v. Valdez [46,043], 861
Sawma v. Perales, 163

▪ Assets

Thurston v. Durose, 1403

▪ Available Income

Beaton v. Thompson [44,989], 860
Rodriguez v. Rhode Island Dep't of Human Servs. [45,559], 153

▪ Benefits

Levels

Poverty Resistance Center v. Hart [40,263], 150

▪ Child Care Services

James v. D'Elia [46,142], 1149

▪ Child Support

Brown v. Ledbetter [41,201], 129
Carelli v. Howser [44,746], 130, 243, 387, 715, 1375
County of Pine v. Petersen, 394
Jensen v. Thompson [46,009], 742
Lawyer v. Valdez [46,042], 861
Schwendeman v. Ives [45,421], 382, 610
Vanscoter v. Sullivan [41,726], 1402
W., A.L., *In re*, 164
Weaver v. Chester, 870

Collection

Brinkley v. Terry [45,345], 1156, 1376
Department of Health & Rehabilitative Servs. v. Blue, 868
Howe v. Ellenbecker [45,531], 36
Ohio Dep't of Human Servs. v. HHS [46,379], 1387

□ **Assignment**

Gagne v. Barile [44,402], 611
Hovden, Marriage of, *In re*, 1396
Monroe County Dep't of Social Servs. v. McClain [46,378], 1376
Utah Dep't of Social Servs. v. Adams [46,367], 1389

▪ Child Welfare Services

W., A.L., *In re*, 164

▪ Delayed Payments

Hatten-Gonzales v. Valdez [46,043], 861

▪ Disaster Relief

Smith v. Federal Emergency Management Agency [45,872], 847

▪ Education and Training Services

Florida Dep't of Labor v. DOL, 156
Harrison v. Secretary of HHS [46,377], 1388
Hartley, *In re* [45,837], 615

Eligibility

Adams v. Colorado Dep't of Social Servs. [43,885], 1301
Baker v. City of Concord, N.H. [45,588], 150, 610, 1180

Conditional

Sawma v. Perales, 163

Emergency Assistance

Bivens v. Crowell [46,202], 1183
Esparza v. Commissioner, Me. Dep't of Human Servs. [45,802], 152
Savage v. Aronson [44,743], 393
Thornton v. McMahon [45,723], 383, 863

Due Process

Hammond v. MacMahon [45,847], 613

Termination

Hammond v. MacMahon [45,847], 613
Williams v. Department of Human Servs. [44,944], 59

Utility Termination

Lindstrom, *In re* [46,029], 745

Fraud

Income Reporting

Wisconsin v. Baeza, 756

Investigations

Owens v. Thompson [44,037], 864, 1185

Restitution

Conditions of Probation

Pennsylvania Dep't of Pub. Welfare v. Davenport [43,294], 359

General Assistance

Lapeer County Dep't of Social Servs. v. Harris, 388

Administrative Practices

Esparza v. Commissioner, Me. Dep't of Human Servs. [45,802], 152

Benefit Levels

Goodwin v. Phelps [46,334], 1389
Hartman v. Winnebago County, Wis. [46,157], 1186
Poverty Resistance Center v. Hart [40,283], 150
Pyke v. Department of Social Servs., 393

Eligibility

Childless Couple

Clark County Social Servs. Dep't v. Newkirk [43,850], 268

Conditions

Baker v. City of Concord, N.H. [45,588], 150, 610, 1180

Due Process

Baker v. City of Concord, N.H. [45,588], 150, 610, 1180
Clark County Social Servs. Dep't v. Newkirk [43,850], 268

Employable Persons

Clark County Social Servs. Dep't v. Newkirk [43,850], 268

Residency Requirements

Jones v. Milwaukee County [44,197], 615

SSI Eligibility

Pyke v. Department of Social Servs., 393

Standards

Rodriguez v. Rhode Island Dep't of Human Servs. [45,559], 153

Emergency Assistance

Williams v. Department of Human Servs. [44,944], 59

Employable Persons

Clark County Social Servs. Dep't v. Newkirk [43,850], 268

Grant Levels

Washington State Coalition for the Homeless v. Thompson [44,223], 1186

Income

SSI Recipient in Household

Pyke v. Department of Social Servs., 393

Recoupment

Johnson v. McMahon [45,628], 152

Disability Benefits

Roth v. Berman [45,620], 149
Slocum v. Department of Social Welfare [45,858], 862

Residency Requirements

Jones v. Milwaukee County [44,197], 615

Shelter Allowance

County of Contra Costa v. Superior Court of Cal., Contra Costa County [44,892], 43

Free Shelters

Washington State Coalition for the Homeless v. Thompson [44,223], 1186

Temporary Shelter Assistance

Williams v. Department of Human Servs. [44,944], 59

Home Care Allowance

Adams v. Colorado Dep't of Social Servs. [43,885], 1301

Housing

Brockton Family Counseling Center v. Phillips [45,834], 259
G., *In re* [45,833], 262, 601
Hammond v. MacMahon [45,847], 613
Savage v. Aronson [44,743], 393
Trustees of Paul Revere Realty Trust v. Revere License Comm'n, 875

Interim Assistance

Johnson v. McMahon [45,628], 152

Migrants

Rodriguez v. Rhode Island Dep't of Human Servs. [45,559], 153

Overpayments

Recoupment

English v. Rubin [44,388], 382
Houston v. Duffy [45,621], 152

Administrative Error

Chaplin v. Sugarman [45,488], 59
M., *In re* [45,483], 59

Pregnancy

Douglas v. Babcock [45,858], 267, 1300

Records

Confidentiality

Avery v. Lake [46,033], 743
Grand Jury Subpoena Dated Nov. 14, 1989, *In re*, 61

Recoupment

Johnson v. McMahon [45,628], 152
Roth v. Berman [45,620], 149
Slocum v. Department of Social Welfare [45,858], 862
Thurston v. Durose, 1403

Notices

English v. Rubin [44,388], 382
Long v. Perales [45,517], 58
Montgomery v. Perales [45,518], 58

Overpayments

Houston v. Duffy [45,621], 152

Tax Refund

English v. Rubin [44,388], 382

Reduction

Hartman v. Winnebago County, Wis. [46,157], 1186

Reform

Harrison v. Secretary of HHS [46,377], 1388

Reimbursement

Boulder County Dep't of Social Servs. v. Harkreader, 756
County of Pine v. Petersen, 394

Relative Responsibility

W., A.L., *In re*, 164

Rent Supplement

G., *In re* [45,833], 262, 601

Residency Requirements

Jones v. Milwaukee County [44,197], 615

Shelter Allowance

Derrick v. Kemp [44,518], 1169

Adequacy

Holmes v. Perales [45,783], 383
Jiggetts v. Grinker [43,124], 151

Free Shelters

Washington State Coalition for the Homeless v. Thompson [44,223], 1186

Maximum Allowance

Holmes v. Perales [45,783], 383
Williams v. Department of Human Servs. [44,944], 59

Social Security Number

Jones v. Sullivan [44,307], 378

Utility Grants

Unpaid Bills

Bivens v. Crowell [46,202], 1183

Work Expenses

Harrison v. Secretary of HHS [46,377], 1388
Oulman v. Adult & Family Servs. Div. of Or. [45,593], 151

Work Incentive Program

Crary v. Department of Social Servs. [45,402], 863

Sanctions

Brogan v. San Mateo County, 632
Coalition of Cal. Welfare Rights Orgs. v. McMahon [45,498], 58

Work Requirements

Bivens v. Crowell [46,202], 1183
Brogan v. San Mateo County, 632

WOMEN'S RIGHTS

▪ Battered Women

Lewelling v. Lewelling [46,092], 836

Access to Courts

Bates v. Bates [45,367], 715
Cooke v. Naylor, 618

Legal Options

Balistreri v. Pacifica Police Dep't, 272, 618
Bates v. Bates [45,367], 715
Vogt v. Vogt, 619

Personal Injury Action

◻ Against Police

Howell v. City of Catoosa, 157

WORKER'S COMPENSATION

Foreman, *In re*, 746

▪ Appeals

Old Ben Coal Co. v. Jones, 275
Pitts v. Nimnicht Chevrolet [46,286], 1286

▪ Estoppel

Right of Claim

Adams Fruit Co. v. Barrett, 155

▪ Lump Sum Payments

Kirk v. Kirk, 869
Shabazz v. Bowen, 1201

▪ Other Remedies

Election of Statutory Remedies

Adams Fruit Co. v. Barrett, 155

Exclusion of Remedy

◻ Exceptions

Adams Fruit Co. v. Barrett, 155

ZONING

▪ Discrimination

Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin., 874
Familystyle of St. Paul v. St. Paul, Minn., 64, 1160
Guyton v. City of Alameda [44,257], 127, 373
O'Connor v. Borough of McKees Rocks [45,749], 367

▪ Exclusionary Zoning

Brock v. Board of Adjustment & Appeals of the City of Rock Hill, 1398
Howard v. City of Garland, 1305

▪ Low-Income Housing

Britton v. Town of Chester [46,198], 1171
Guyton v. City of Alameda [44,257], 127, 373

▪ Ordinances

Group Homes

Brock v. Board of Adjustment & Appeals of the City of Rock Hill, 1398
Mehta v. Surles, 752
O'Connor v. Borough of McKees Rocks [45,749], 367
Zimmer v. Moon Township [45,573], 138

Single-Family Zone

◻ Resident's Members of Family

O'Connor v. Borough of McKees Rocks [45,749], 367

▪ Permits

Brock v. Board of Adjustment & Appeals of the City of Rock Hill, 1398
Pollard v. Palm Beach County, 753

▪ Residential Facilities

Familystyle of St. Paul v. St. Paul, Minn. [46,182], 64, 1160

Group Homes

Clem v. Christole, Inc., 64
Pollard v. Palm Beach County, 753

◻ Mentally Retarded

O'Connor v. Borough of McKees Rocks [45,749], 367
Zimmer v. Moon Township [45,573], 138

CASE DEVELOPMENTS & ADVANCE SHEET HIGHLIGHTS

CASETABLE

This is an alphabetical listing by case name of cases that have appeared in the Clearinghouse Review for the period covered by this index. The numbers in brackets [12,345] are the Clearinghouse Numbers and must accompany all document reprint requests. Cases without Clearinghouse numbers were reported in the Advance Sheet Highlights section of the Review. Official citations to cases in the casetable are current as of April 1991.

—A—

A., *In re*
794 P.2d 371 (N.M. Ct. App. 1990), 876

A. v. McCoy [46,267], 1294

A., D.J., *In re*
793 P.2d 1033 (Ala. 1990), 868

A., J., *In re*
561 So. 2d 356 (Fla. Dist. Ct. App. 1990), 625

A., S., *In re*
582 A.2d 137 (Vt. 1990), 1309

A. Tenenbaum Co. v. Director of Labor
796 S.W.2d 348 (Ark. Ct. App. 1990), 1402

Abbott v. Sullivan
905 F.2d 918 (6th Cir. 1990), 754

Abdul-Hakeem v. Koehler
910 F.2d 66 (2d Cir. 1990), 877

Achaval-Bianco v. Gustafson
736 F. Supp. 214 (C.D. Cal. 1989), 616

Acme Corrugated Box Co. v. Pennsylvania Unemployment Compensation Bd. of Review
570 A.2d 100 (Pa. Commw. Ct. 1990), 163

Acosta v. Tenneco Oil Co.
913 F.2d 205 (5th Cir. 1990), 1188

Adams v. Colorado Dep't of Social Servs. [43,865], 1301

Adams v. Griepentrog [46,148]
No. CV-S-90-451-LDG (LRL) (D. Nev. Oct 11, 1990), 1182

Adams v. Nissan Motor Corp.
387 S.E.2d 288 (W. Va. 1989), 62

Adams Fruit Co. v. Barrett
110 S. Ct. 1384 (U.S. 1990), 155

Aitken v. Fleet Mortgage Corp. [45,741], 362

Akers v. Ohio Dep't of Liquor Control
902 F.2d 477 (6th Cir. 1990), 617

Akpan v. Koch [43,283]
547 N.Y.S.2d 852, 152 A.D.2d 113 (1989); 75 N.Y.2d 561, 555 N.Y.S.2d 16, 554 N.E.2d 53 (1990), 44, 259

Alabama *ex rel.* Smith v. Roberson
562 So. 2d 1325 (Ala. Civ. App. 1989), 870

Alabama Dep't of Human Resources v. Haney
568 So. 2d 1231 (Ala. Civ. App. 1990), 1394

Alabama Dep't of Pub. Health v. Wells
562 So. 2d 1315 (Ala. Civ. App. 1989), 875

Alba v. Sullivan [45,864], 856

Albalos v. Sullivan
907 F.2d 871 (9th Cir. 1990), 879

Alberti v. Klevenhagen
896 F.2d 927 (5th Cir. 1990), 270

Alessi v. Pennsylvania Dep't of Pub. Welfare
893 F.2d 1444 (3d Cir. 1990), 158

Alexander v. Flaherty [13,475]
No. C-C-74-183-M (W.D.N.C. Oct. 1, 1990), 1183

Ali v. Dixon
912 F.2d 86 (4th Cir. 1990), 1199

Allen v. Department of Employment Servs.
578 A.2d 687 (D.C. 1990), 880

Allen v. Division of Child Support Enforcement
575 A.2d 1176 (Del. 1990), 748

Allen v. Simmons
394 S.E.2d 478 (N.C. Ct. App. 1990), 877

Allred v. Allred
797 P.2d 1108 (Utah Ct. App. 1990), 1192

Aloqaili v. National Hous. Corp.
743 F. Supp. 1264 (N.D. Ohio 1990), 1198

Alvarez v. Aronson [46,198], 1181

Amato v. Bowen
739 F. Supp. 108 (E.D.N.Y. 1990), 754

Ambrosia v. Yerage
572 A.2d 777 (Pa. Super. Ct. 1990), 618

Americans Disabled for Accessible Pub. Transit v. Greyhound Lines [45,523], 39

Americans Disabled for Accessible Pub. Transp. v. District of Columbia Courts [45,571], 133

Anderson, *In re*
795 P.2d 64 (Kan. 1990), 867

Anderson v. Bowen [45,532]
No. CV588-170 (S.D. Ga. Mar. 29, 1989), 53

Anderson v. Minnesota Comm'r of Human Servs. [45,622]
No. WA 88-18664 (Minn. Dist. Ct., Hennepin County, Mar. 29, 1990), 136

Anderson v. Sullivan
914 F.2d 1121 (9th Cir. 1990), 1202

Anderson v. Sullivan [45,889]
No. CV-88-036-GF (D. Mont. June 25, 1990), 738

Anderson v. Worden
744 F. Supp. 1042 (D. Kan. 1990), 1188

Anderson v. Yeutter [40,136]
729 F. Supp. 88 (M.D. Ala. 1989), 63

Andriola v. Kizer [45,617], 135

Angry Tenants Against Conversion v. Woodland Manor Assocs. [43,873]
No. 88-0569T (D.R.I. Apr. 6, 1990), 371

Antonelli v. Antonelli
396 S.E.2d 698 (Va. Ct. App. 1990), 1192

Ardestani v. INS
904 F.2d 1505 (11th Cir. 1990), 616

Arlington Park Race Track v. Illinois Human Rights Comm'n [45,747]
557 N.E.2d 517 (Ill. App. Ct. 1990), 375

Armentrout v. Kenley [31,809], 593

Armstead v. Coler [41,148]
914 F.2d 1464 (11th Cir. 1990), 1195

Arrington v. Hand
388 S.E.2d 52 (Ga. Ct. App. 1989), 157

Ash v. Sullivan
748 F. Supp. 804 (D. Kan. 1990), 1313

Ashbrook v. Block
917 F.2d 918 (6th Cir. 1990), 1312

Ashford Chase Apartments v. Samaniego [45,502]
No. 893007947 CV (Utah Cir. Ct., Salt Lake County, Sept. 6, 1989), 49

Aspros v. United States R.R. Retirement Bd.
904 F.2d 384 (7th Cir. 1990), 628

Association for Children for Enforcement of Support v. Conger
899 F.2d 1164 (11th Cir. 1990), 386

Association of Relatives & Friends of AIDS Patients v. Regulations & Permits Admin.
740 F. Supp. 95 (D.P.R. 1990), 874

Atchison v. Barry [44,155], 600

Audet v. Koier [46,151], 1148

Auer v. Babcock [45,641]
No. 89-3059-P-AA (Mich. Cir. Ct., Bay County, Feb. 28, 1990), 269

Aultman v. McCracken
799 P.2d 1148 (Or. Ct. App. 1990), 1396

Avendano v. Decoster [45,601], 143

Avery v. Lake [46,033]
No. CV-89-100 (Me. Super. Ct., Somerset County, Nov. 13, 1989), 743

Avila v. Coca-Cola Co.
726 F. Supp. 685 (M.D. Fla. 1989), 61

Ayers v. Allain
893 F.2d 732 (5th Cir. 1990); 914 F.2d 676 (5th Cir. 1990), 157, 1192

Ayers v. Philadelphia Hous. Auth.
908 F.2d 1184 (3d Cir. 1990), 868

Azizi v. Thornburgh
908 F.2d 1130 (2d Cir. 1990), 875

Azul Pacifico, Inc. v. City of Los Angeles
740 F. Supp. 772 (C.D. Cal. 1990), 876

—B—

B., *In re* [45,669]
(SSA, Office of Hearings & App., Apr. 13, 1990), 266

B., *In re* [46,287], 1294

B. v. Revere Hous. Auth. [46,216]
(Mass. Exec. Office of Communities & Dev. Nov. 9, 1990), 1172

B., B., *In re*
559 So. 2d 1277 (Fla. Ct. App. 1990), 626

B., B. v. Colorado
785 P.2d 132 (Colo. 1990), 64

B., C., *In re*
582 A.2d 1196 (D.C. Ct. App. 1990), 1399

B., C., *In re*
561 So. 2d 663 (Fla. Dist. Ct. App. 1990), 751

B., Charles, Adoption of, *In re*
552 N.E.2d 884 (Ohio 1990), 387

B., F., *In re*
564 N.E.2d 173 (Ill. App. Ct. 1990), 1399

B., M.R.D., Parental Placement of, *In re*
787 P.2d 1219 (Mont. 1990), 391

B., P.A., *In re*
570 A.2d 522 (Pa. Super. Ct. 1990), 390

B., T., *In re*
552 N.E.2d 1107 (Ill. App. Ct. 1990), 390

B., W., *In re*
566 So. 2d 1094 (La. App. Ct. 1990), 1311

Baade, Adoption of, *In re*
462 N.W.2d 485 (S.D. 1990), 1306

Baber v. Secretary of HHS [45,744]
No. 88-CV-10292-BC (E.D. Mich. Apr. 25, 1990), 379

Baber v. Sullivan
751 F. Supp. 1542 (S.D. Ga. 1990), 1392

Bachman v. St. Monica's Congregation
902 F.2d 1259 (7th Cir. 1990), 624

Bagwell v. M. Kovens Co. [45,614]
No. 88239033/CL85964 (Md. Cir. Ct., Baltimore City, July 2, 1990), 586

Baines v. Savage [45,486]
No. JP5-89-C0991 VA-150 (Del. Justices of the Peace Ct. No. 5, Sussex County, Mar. 27, 1990), 141

Bainey v. Secretary of HHS
732 F. Supp. 582 (W.D. Pa. 1990), 393

Baker v. City of Concord, N.H. [45,568]
No. C-89-259-L (D.N.H. Feb. 14, 1990); No. 90-1442 (1st Cir. Nov. 13, 1990), 150, 610, 1180

Baker v. Judkins [46,136]
No. 90-CV-46 (Me. Dist. Ct., Penobscot County, Sept. 6, 1990), 1175

Bakken v. Manor Healthcare [45,728]
No. 90-C-350-S (W.D. Wis. Aug. 16, 1990), 369, 843, 1289

Bakken v. Sullivan [45,726]
See Bakken v. Manor Healthcare

Balistreri v. Pacifica Police Dep't
897 F.2d 368 (9th Cir. 1990); 901 F.2d 696 (9th Cir. 1990), 272, 618

Ballard v. Sullivan
905 F.2d 257 (9th Cir. 1990), 629

Baltimore City Dep't of Social Servs. v. Bouknight [45,027]
110 S. Ct. 900 (1990), 47

Bandemer v. Illinois Dep't of Employment Sec.
562 N.E.2d 6 (Ill. App. Ct. 1990), 1313

Bannum, Inc. v. City of Ft. Lauderdale
901 F.2d 989 (11th Cir. 1990), 618

BanPonce Corp., *In re* [46,220]
(Fed. Reserve Sys. Bd. of Governors Sept. 27, 1990), 1158

Barajas v. Board of Trustees, Two Rock Union School Dist. [46,211], 1159

Barile v. Aronson [46,302], 1287

Barker v. Employment Sec. Comm'n of Wyo. [45,708]
791 P.2d 583 (Wyo. 1990), 380

Barkley v. Peninsula Transp. Dist. Comm'n
398 S.E.2d 94 (Va. Ct. App. 1990), 1402

Barletta v. Tedeschi [46,254]
No. 89-CV-1170 (N.D.N.Y. Dec. 3, 1990), 1282

Barnes v. Fucci
563 So. 2d 175 (Fla. Dist. Ct. App. 1990), 870

Barnes v. McMahon [45,717]
No. CIV-S-90-0579-RAR (E.D. Cal. Aug. 16, 1990), 363, 836

Barren River Mental Health-Mental Retardation Bd. v. Bailey [43,558]
783 S.W.2d 886 (Ky. Ct. App. 1990), 55

Barry v. Rose [46,297]
No. 71D02-8906-CP-00381 (Ind. Super. Ct., St. Joseph County, Aug. 2, 1990), 1295

Barson v. Washington Dep't of Social & Health Servs.
794 P.2d 538 (Wash. Ct. App. 1990), 871

Bartley v. L & M Coal Co.
901 F.2d 1311 (6th Cir. 1990), 624

Barton v. Saunders [44,201]
No. C-1-87-735 (S.D. Ohio Jan. 4, 1991), 1386

Bates v. Bates [45,397]
793 S.W.2d 788 (Ark. Sup. Ct. 1990), 715

Bates v. Johnson [38,270]
901 F.2d 1424 (7th Cir. 1990), 359

Bauer v. McClure
549 N.E.2d 392 (Ill. App. Ct. 1990), 157

Baughman v. Sullivan
743 F. Supp. 761 (D. Kan. 1990), 1203

Baum v. Yeutter [43,474]
750 F. Supp. 845 (N.D. Ohio 1990), 589

Baylor v. HUD
734 F. Supp. 1314 (N.D. Tex. 1989); 913 F.2d 223 (5th Cir. 1990), 625, 1196

Bayview Found. v. Green [44,730]
No. 89-1004 (Wis. Sup. Ct. Jan. 9, 1990), 43

Beaton v. Thompson [44,989]
913 F.2d 701 (9th Cir. 1990), 860

Becker v. Secretary of HHS
895 F.2d 34 (1st Cir. 1990), 162

Becker County Welfare Dep't v. Bellcourt
453 N.W.2d 543 (Minn. Ct. App. 1990), 391

Beckwith v. Kizer [43,794]
912 F.2d 1139 (9th Cir. 1990), 1196

Becky v. Norwest Bank Dillon, N.A.
798 P.2d 1011 (Mont. 1990), 1393

Beechwood Gardens Tenants' Ass'n v. Department of Hous.
572 A.2d 989 (Conn. 1990), 625

Begay v. Roberts [46,258]
No. 1 CA-CV 89-454 (Ariz. Ct. App. Sept. 13, 1990), 1297

Begley v. Sullivan [43,966]
No. 3-88-841 (E.D. Tenn. Mar. 5, 1990); No. CIV-3-88-0841 (E.D. Tenn. Apr. 20, 1990); No. CIV-3-88-0841 (E.D. Tenn. Nov. 19, 1990), 54, 265, 1178

Begley Home Health v. Merida [46,185]
No. 89-C-257 (Ky. Dist. Ct., Knox County, May 7, 1990), 1155

Behunin v. Jefferson County Dep't of Social Servs.
744 F. Supp. 255 (D. Colo. 1990), 1204

Belden v. Sullivan [45,740], 379

Bemowski v. Commonwealth of Pa. Dep't of Pub. Welfare
582 A.2d 103 (Pa. Commw. Ct. 1990), 1310

Benally v. Hodel
913 F.2d 1464 (9th Cir. 1990), 1188

Benjamin v. Arizona Dep't of Revenue
786 P.2d 1033 (Ariz. Ct. App. 1989), 163

Benjamin v. Coughlin [42,487]
905 F.2d 571 (2d Cir. 1990), 752

Bennemon v. Sullivan
914 F.2d 987 (7th Cir. 1990), 1201

Bennett v. Hardy
784 P.2d 1258 (Wash. 1990), 63

Bennett v. Sullivan
917 F.2d 157 (4th Cir. 1990), 1313

Bennetto v. Illinois Dep't of Pub. Aid
550 N.E.2d 1041 (Ill. App. Ct. 1990), 275

Berman, *In re* [45,563]
(SSA, Office of Hearings & App., Feb. 21, 1990), 136

Berry v. Sullivan
736 F. Supp. 942 (W.D. Pa. 1990), 754

Bersin, *In re* [45,863]
No. 02625 Philadelphia 1988 (Pa. Super. Ct. Nov. 3, 1989), 733

Bert Bidwell Inv. Corp. v. LaSalle & Schiffer, P.C.
797 P.2d 811 (Colo. Ct. App. 1990), 1198

Betts v. Hamilton County Bd. of Mental Retardation & Developmental Disabilities
897 F.2d 1380 (6th Cir. 1990), 273

Bhatti, *In re*
391 S.E.2d 201 (N.C. Ct. App. 1990), 620

Biel, *In re* [46,152], 1157

Big Horn Coal Co. v. Office of Workers' Compensation Programs
897 F.2d 1052 (10th Cir. 1990), 275

Biggs v. North Carolina Dep't of Human Resources [46,360]
No. 89 CVS 922 (N.C. Super. Ct., Rockingham County, Jan. 24, 1991), 1389

Binder v. New Mexico Human Servs. Dep't [46,007]
No. 12403 (N.M. Ct. App. Aug. 8, 1990); No. 12,403 (N.M. Ct. App. Sept. 6, 1990), 736, 854

Bishop v. Sullivan
900 F.2d 1259 (8th Cir. 1990), 629

Bivens v. Crowell [46,202]
No. 90-318-S (D.N.H. Sept. 20, 1990), 1183

Bixler v. Children & Youth Servs. of Delaware County [42,317], 1294

Blackwell v. Review Bd. of Ind. Dep't of Employment & Training Servs.
560 N.E.2d 674 (Ind. Ct. App. 1990), 1313

Bliuvas v. Biel [46,153]
No. PF000021 (Cal. Super. Ct., Los Angeles County, Oct. 3, 1990), 1157

Block v. District of Columbia
748 F. Supp. 891 (D.D.C. 1990), 1309

Blue Legs v. EPA [43,115]
732 F. Supp. 81 (D.S.D. 1990), 50

Blume, *In re*
554 N.E.2d 1100 (Ill. App. Ct. 1990), 626

Blundi v. Unemployment Appeals Comm'n
565 So. 2d 908 (Fla. Dist. Ct. App. 1990), 1203

Bly, *In re*
456 N.W.2d 195 (Iowa 1990), 750

Board of Educ. of Oklahoma City Pub. Schools v. Dowell
59 U.S.L.W. 4061 (1991), 1307

Boatwright v. Sullivan [45,592]
No. 84-0184-L (W.D. Va. Jan. 18, 1990), 146

Bockelmann v. Marynick
788 S.W.2d 569 (Tex. 1990), 626

Boettger v. Bowen [42,866], 1387

Bogard v. Kustra [43,370]
No. 88 C 2414 (N.D. Ill. May 4, 1990), 366

Boschert v. Boschert
793 S.W.2d 495 (Mo. Ct. App. 1990), 1191

Bosco v. Twin Pines Coal Co.
892 F.2d 1473 (10th Cir. 1989), 63

Bothner, *In re* [45,785]
(SSA, Office of Hearings & App., May 16, 1990), 369

Boulder County Dep't of Social Servs. v. Harkreader
791 P.2d 649 (Ariz. Ct. App. 1990), 756

Bowers v. Thompson [45,857]
No. 89 2 00553 8 (Wash. Super. Ct., Thurston County, Oct. 15, 1990), 594, 1165

Bowden v. Bowden
794 P.2d 1140 (Idaho 1990), 869

Bowman v. Secretary of HHS
744 F. Supp. 898 (E.D. Ark. 1989), 1187

Boyes v. Sullivan
901 F.2d 717 (9th Cir. 1989), 629

Boykins v. Youngblood [46,169], 1171

Boyles v. Clements
792 S.W.2d 311 (Ark. 1990), 868

Bozzi v. Sullivan [46,001]
No. 90-2580 (E.D. Pa. July 11, 1990), 739

Bradley v. Carydale Enters.
730 F. Supp. 709 (E.D. Va. 1989), 276

Bradley v. Division of Child Support Enforcement
582 A.2d 478 (Del. 1990), 1306

Bradley v. Holmes
561 So. 2d 1034 (Miss. 1990), 748

Bradley v. Secretary of HHS
741 F. Supp. 1461 (D. Idaho 1990), 867

Brady v. Levin [46,036]
No. CV-89-018 (Me. Super. Ct., Somerset County, Mar. 26, 1990), 734

Brady v. Sullivan [43,892]
893 F.2d 872 (7th Cir. 1989), 156

Braen v. Laganella
900 F.2d 621 (3d Cir. 1990), 617

Bragg v. Perales [45,873], 719

Brammer v. West Virginia Human Rights Comm'n
394 S.E.2d 340 (W. Va. 1990), 873

Brandt v. Master Communication Corp. [45,587]
No. 88-3059-C (N.J. Dep't of Labor Bd. of Review Mar. 2, 1990), 147

Branham v. Derwinski [46,279]
No. 90-193 (U.S. Ct. Veterans App. Dec. 7, 1990), 1387

Bratcher, Paternity of, *In re*
551 N.E.2d 1160 (Ind. Ct. App. 1990), 272

Bratcher v. Housing Auth. of North Chicago [46,373]
No. 90 C 3224 (N.D. Ill. Jan. 29, 1991), 1380

Breithaupt v. Employment Appeal Bd.
453 N.W.2d 532 (Iowa Ct. App. 1990), 393

Brereton v. Communications Satellite Corp.
735 F. Supp. 1065 (D.D.C. 1990), 621

Breuer v. Poe
797 P.2d 944 (Mont. 1990), 1190

Brezinsky v. Chervinko
548 N.E.2d 588 (Ill. App. Ct. 1989), 61

Bridgeport Guardians, Inc. v. City of Bridgeport
735 F. Supp. 1126 (D. Conn. 1990), 621

Briggs v. Carol Cars, Inc.
553 N.E.2d 930 (Mass. 1990), 618

Briggs v. Sullivan [44,289]
No. CV-S-89-0203 EJG (E.D. Cal. Mar. 23, 1990), 145, 736

Bright v. Parra
919 F.2d 31 (5th Cir. 1990), 1310

Brindis v. California Dep't of Transp. [44,977]
No. H-143169-4 (Cal. Super. Ct., Alameda County, Jan. 24, 1990), 45

Brinkley v. Early [45,345]
See Brinkley v. Terry

Brinkley v. Terry [45,345]
No. 1:88-1502 (S.D. W. Va. Dec. 5, 1990), 1156, 1376

Britton v. Town of Chester [46,199], 1171

Brock v. Board of Adjustment & Appeals of the City of Rock Hill
397 S.E.2d 253 (S.C. Ct. App. 1990), 1398

Brockel v. Sullivan [45,983], 739

Brockton Family Counseling Center v. Phillips [45,634]
No. 90-J-155 (Mass. App. Ct. Mar. 20, 1990), 259

Broeckert v. Sullivan
751 F. Supp. 1361 (W.D. Wis. 1990), 1401

Brogan v. San Mateo County
901 F.2d 762 (9th Cir. 1990), 632

Brooks v. Carson
390 S.E.2d 859 (Ga. Ct. App. 1990), 619

Brooks v. East Chambers Consol. Indep. School Dist.
730 F. Supp. 759 (S.D. Tex. 1989), 273

Broom v. TRW Credit Data
732 F. Supp. 66 (E.D. Mich. 1990), 271

Brosamer v. Mark
561 N.E.2d 767 (Ind. 1990), 1306

Brown v. Bowen
See Brown v. Secretary of HHS

Brown v. Brown
397 S.E.2d 837 (Va. 1990), 1394

Brown v. Department of Social Welfare
571 A.2d 650 (Vt. 1989), 275

Brown v. Ledbetter [41,201]
110 S. Ct. 1472 (1990), 129

Brown v. Luna [43,349]
735 F. Supp. 762 (M.D. Tenn. 1990), 41, 252

Brown v. Rison
895 F.2d 533 (9th Cir. 1990), 161

Brown v. Secretary of HHS [44,787], 53, 606

Brown v. Secretary of HHS
740 F. Supp. 28 (D. Mass. 1990), 879

Brown v. Sullivan
917 F.2d 189 (5th Cir. 1990), 1304

Brown v. Sullivan
902 F.2d 1292 (8th Cir. 1990), 629

Brown v. Sullivan
916 F.2d 492 (9th Cir. 1990), 1187

Brown v. Sullivan
737 F. Supp. 497 (C.D. Ill. 1990), 630

Brown v. Veile
555 N.E.2d 1227 (Ill. App. Ct. 1990), 752

Brown v. Wilson County School Bd.
747 F. Supp. 436 (M.D. Tenn. 1990), 1196

Browning, Guardianship of, *In re* [45,085]
568 So. 2d 4 (Fla. 1990), 1398

Brunner v. Al Attar
786 S.W.2d 784 (Tex. Ct. App. 1990), 389

Brunson v. Pennsylvania Unemployment Compensation Bd. of Review
570 A.2d 1096 (Pa. Commw. Ct. 1990), 277

Bublis v. District of Columbia Dep't of Employment Servs.
575 A.2d 301 (D.C. 1990), 755

Buchanan v. Pennsylvania Unemployment Compensation Bd. of Review
581 A.2d 1005 (Pa. Commw. Ct. 1990), 1314

Buffler v. Buffler
570 So. 2d 658 (Ala. 1990), 1401

Buffolino v. Board of Educ. of Sachem Cent. School Dist.
729 F. Supp. 240 (E.D.N.Y. 1990), 159

Bukics v. Bukics
570 A.2d 1364 (Pa. Commw. Ct. 1990), 273

Bungard, *In re* [46,210]
(SSA, Office of Hearings & App., Nov. 13, 1990), 1165

Bunnell v. Sullivan
912 F.2d 1149 (9th Cir. 1990), 1202

Burgess v. Your House of Raleigh, Inc.
388 S.E.2d 134 (N.C. 1990), 158

Burgin v. Nix
899 F.2d 733 (8th Cir. 1990), 391

Burka v. New York City Trans. Auth.
739 F. Supp. 814 (S.D.N.Y. 1990); 747 F. Supp. 214 (S.D.N.Y. 1990); 751 F. Supp. 441 (S.D.N.Y. 1990), 872, 1194, 1397

Burkart v. Sullivan
729 F. Supp. 669 (W.D. Mo. 1990), 154

Burke County Bd. of Educ. v. Denton
895 F.2d 973 (4th Cir. 1990), 158

Burlew v. Eaton Corp.
728 F. Supp. 529 (E.D. Wis. 1989), 63

Burr v. Sobol [45,322]
748 F. Supp. 97 (S.D.N.Y. 1990), 1145

Burris v. First Fin. Corp.
733 F. Supp. 1270 (E.D. Ark. 1990), 618

Burrow v. Vrontikis
788 P.2d 1046 (Utah Ct. App. 1990), 273

Burt v. Carlson
752 F. Supp. 346 (C.D. Cal. 1990), 1400

Burton v. Burton [45,554]
No. 5-89-0200 (Ill. App. Ct. Feb. 26, 1990), 131

Burton v. Herriff [46,218]
No. 90-1255LT (Mich. Dist. Ct., Clinton County, Nov. 26, 1990), 1175

Burton v. Secretary of HHS
893 F.2d 821 (6th Cir. 1990), 162

Busalacchi, *In re* [46,370], 1377

Buscemi v. Pepsico, Inc.
736 F. Supp. 1267 (S.D.N.Y. 1990), 622

Bush v. Taylor
893 F.2d 962 (8th Cir. 1990); 912 F.2d 989 (8th Cir. 1990), 155, 1187

Butler v. Johnson [45,701], 370

Butts v. Swaim Supply Co. [46,084]
No. 89-CVS-8597 (N.C. Super. Ct., Wake County, Jan. 11, 1990), 858

Byrd v. Leavitt [45,848]
No. CIV-89-1809-W (W.D. Okla. May 15, 1990), 586

—C—

C., A., *In re*
573 A.2d 1235 (D.C. Ct. App. 1990), 624

C., C. v. A.B.
550 N.E.2d 365 (Mass. 1990), 157

C., L., *In re*
457 N.W.2d 274 (Neb. 1990), 751

C., P. v. McLaughlin
913 F.2d 1033 (2d Cir. 1990), 1195

C., Sonya v. Arizona School for the Deaf & Blind
743 F. Supp. 700 (D. Ariz. 1990), 1193

Cabinet for Human Resources *ex rel.* Brewer v. Merida [45,995], 837

Cacace v. Lucas [44,842]
No. N-87-430 (EEB) (D. Conn. Mar. 19, 1990), 244

Cadwallader v. Administrator, Office of Employment Sec.
559 So. 2d 1346 (La. 1990), 631

Cain v. Hyatt
734 F. Supp. 671 (E.D. Pa. 1990), 623

Caldwell v. Sullivan
736 F. Supp. 1076 (D. Kan. 1990), 630

California v. Highland Fed. Sav. & Loan Ass'n [45,871], 850

California v. ITT Consumer Fin. Corp. [45,586]
No. 656038-0 (Cal. Super. Ct., Alameda County, Sept. 21, 1989), 129

California v. Wilshire Computer College [46,309]
No. BC 018391 (Cal. Super. Ct., Los Angeles County, Jan. 8, 1991), 1285

California Rural Legal Assistance v. LSC [44,700]
727 F. Supp. 553 (N.D. Cal. 1989); 917 F.2d 1171 (9th Cir. 1990), 61, 1145

California Rural Legal Assistance, Inc. v. Legal Servs. Corp. [44,700]
See California Rural Legal Assistance v. LSC

Callicotte v. Cheney
744 F. Supp. 3 (D.D.C. 1990), 1193

Calvin v. Director of Labor
787 S.W.2d 701 (Ark. Ct. App. 1990), 755

Campbell v. Alpers
791 P.2d 472 (N.M. Ct. App. 1990), 749

Canady v. Sullivan
893 F.2d 1241 (11th Cir. 1990), 154

Canales v. Sullivan
745 F. Supp. 978 (S.D.N.Y. 1990), 1203

Candelaria v. Nissan Motor Acceptance [45,763]
740 F. Supp. 806 (D.N.M. 1990), 712

Cantu v. Cantu
562 N.E.2d 768 (Ind. Ct. App. 1990), 1307

Capital Park Apartments v. Funderburke [46,348], 1382

Capitol Green Apartments v. Robinson [45,952]
No. JP16-90-C0890 (Del. Justice of the Peace Ct., Kent County, July 3, 1990), 730

Cardwell v. Gwaltney
556 N.E.2d 953 (Ind. Ct. App. 1990), 871

Carelli v. Howser [44,746]
No. 90-3340/3341 (6th Cir. Jan. 18, 1991); 733 F. Supp. 271 (S.D. Ohio 1990), 130, 243, 387, 715, 1375

Carey v. Pennsylvania Unemployment Compensation Bd. of Review
569 A.2d 371 (Pa. Commw. Ct. 1989), 163

Carillo v. Griffith-Ives Co. [45,879], 735

Carlton v. Boucher [46,133]
No. 90-2657 (D.C. Super. Ct. Aug. 3, 1990), 1175

Caro v. Housing Auth. of Austin
794 S.W.2d 901 (Tex. Ct. App. 1990), 1310

Carpenter v. Sullivan [45,989]
No. H-88-279 (AHN) (D. Conn. June 21, 1990), 723

Carr v. Friends of the Homeless [45,664]
No. 89-LE-3492-S (Hampden, Mass., Hous. Ct. Apr. 3, 1990), 261

Carrera v. Yepez [45,537], 44

Carrero v. New York City Hous. Auth.
750 F. Supp. 660 (S.D.N.Y. 1990), 1304

Carroll, *In re* [45,813]
(SSA, Office of Hearings & App., June 20, 1990), 740

Carroll County Dep't of Social Servs. v. Edelmann
577 A.2d 14 (Md. 1990), 869

Carter v. Arnett
794 S.W.2d 321 (Mo. Ct. App. 1990), 1191

Carter v. Morrow
563 N.E.2d 183 (Ind. Ct. App. 1990), 1395

Carter v. Sullivan
909 F.2d 1201 (8th Cir. 1990), 879

Cartner v. Secretary of HHS [45,898]
No. 88-CV-564 (N.D.N.Y. May 14, 1990), 608

Carty v. Sullivan
736 F. Supp. 1414 (W.D. Va. 1990), 630

Caruso v. Sullivan [45,643]
No. H-89-445 (PCD) (D. Conn. Apr. 4, 1990), 251

Casa Marie, Inc. v. Superior Court of P.R., Dist. of Arecibo [46,262]
752 F. Supp. 1152 (D.P.R. 1990), 1291

Case No. 230093483-001, *In re* [46,206]
(Pa. Dep't of Pub. Welfare May 29, 1990), 1155

Case No. 90205043, In re [46,257]
(Cal. Dep't of Social Servs. Nov. 19, 1990), 1302

Casey, Marriage of, *In re*
556 N.E.2d 271 (Ill. App. Ct. 1990), 748

Cason v. Rochester Hous. Auth. [45,739]
748 F. Supp. 1002 (W.D.N.Y. 1990), 371, 848

Cassas v. Secretary of HHS
893 F.2d 454 (1st Cir. 1990), 162

Castillo v. Jackson [46,256]
566 N.E.2d 404 (Ill. App. Ct. 1990), 1293

Catanzano v. Richardson [45,058]
No. 89-9163 (2d Cir. Mar. 19, 1990), 39, 250

Catlett v. Catlett
561 N.E.2d 948 (Ohio App. Ct. 1988), 1307

Cazares v. Barber [45,558]
No. CIV 90-0128 TUC ACM (D. Ariz. Mar. 9, 1990); No. CIV 90-0128 TUC ACM (D. Ariz. May 31, 1990), 132, 365

Cazier v. Bowen [44,766]
No. 87-C-926 S (D. Utah Apr. 9, 1990), 242

Celeste v. Sullivan
734 F. Supp. 1009 (S.D. Fla. 1990), 616

Celis v. North Carolina Employment Sec. Comm'n
389 S.E.2d 434 (N.C. Ct. App. 1990), 393

Central Ill. Light v. Commerce Comm'n
562 N.E.2d 4 (Ill. App. Ct. 1990), 1312

Centrust Mortgage Corp. v. Williams [45,682]
No. 89-21105 (Fla. Cir. Ct., Hillsborough County, Apr. 20, 1990), 257

Cerda v. O'Leary
746 F. Supp. 820 (N.D. Ill. 1990), 1200

Cervantez v. Sullivan [44,963]
739 F. Supp. 517 (E.D. Cal. 1990), 581

Chalfin v. Beverly Enters. Inc.
741 F. Supp. 1162 (E.D. Pa. 1989), 878

Chamberlain v. Chamberlain
788 S.W.2d 455 (Tex. Ct. App. 1990), 620

Chambers v. Diamant [44,711], 1147

Champeno v. Secretary of HHS [45,200]
No. 89-145J (W.D. Pa. Apr. 16, 1990), 609

Chandley Enters., Inc. v. City of Evansville
563 N.E.2d 672 (Ind. App. Ct. 1990), 1400

Channell, Marriage of, *In re*
797 P.2d 819 (Colo. Ct. App. 1990), 1190

Chaplin v. Sugarman [45,496]
No. 87-2-01239-2 (Wash. Super. Ct., Thurston County, Feb. 9, 1990), 59

Charpentier v. Kizer [45,810]
No. CIV-S-90-0758-EJG (E.D. Cal. Nov. 20, 1990), 591, 1162

Chase v. Ives [45,240]
No. CV-89-103 (Me. Super. Ct., Washington County, Mar. 27, 1990), 269

Chasse v. Mazerolle [46,098]
580 A.2d 155 (Me. Sup. Jud. Ct. 1990), 841

Chastain v. Freeman United Coal Mining Co.
919 F.2d 485 (7th Cir. 1990), 1309

Chavarria v. Jackson
390 S.E.2d 613 (Ga. Ct. App. 1990), 387

Chavers v. Hammac
568 So. 2d 1252 (Ala. Ct. App. 1990), 1394

Cherry v. Magnant [45,808]
No. IP90-1348C (S.D. Ind. June 7, 1990), 591

Chery v. Bowman
901 F.2d 1053 (11th Cir. 1990), 617

Chester County Intermediate Unit v. Pennsylvania Blue Shield
896 F.2d 808 (3d Cir. 1990), 274

Cheung v. Youth Orchestra Found. of Buffalo
906 F.2d 59 (2d Cir. 1990), 746

Chevalier v. Moon
576 A.2d 722 (D.C. 1990), 746

Chicago Hous. Auth. v. Ray [45,475]
No. 89 M1 739620 (Ill. Cir. Ct., Cook County, Jan. 10, 1990), 139

Chicago Hous. Auth. v. Rose
560 N.E.2d 1131 (Ill. App. Ct. 1990), 1310

Chicago Hous. Auth. v. Sifore [45,476]
No. 88 M1 232579 (Ill. Cir. Ct., Cook County, Jan. 8, 1990), 46

Chicano Educ. & Manpower Serv. v. Department of Labor
909 F.2d 1320 (9th Cir. 1990), 872

Childerson v. Hess
555 N.E.2d 1070 (Ill. App. Ct. 1990), 748

Children's Hosp. of Akron v. Jones [45,776]
No. 14435 (Ohio Ct. App. Apr. 18, 1990), 360

Childress v. Sullivan [39,987]
738 F. Supp. 1348 (D. Colo. 1990); 742 F. Supp. 1088 (D. Colo. 1990), 746, 1187

Chmill v. Friendly Ford-Mercury of Janesville, Inc.
453 N.W.2d 197 (Wis. Ct. App. 1990), 385

Christmas v. Christmas
787 P.2d 1267 (Okla. 1990), 387

Christy, *In re* [46,194]
No. 90208083 HUM (Cal. Dep't of Social Servs. Oct. 28, 1990), 1160

Chugach Alaska Corp. v. Lujan
915 F.2d 454 (9th Cir. 1990), 1199

Chynoweth v. Sullivan [44,462]
920 F.2d 648 (10th Cir. 1990), 1392

CIT Fin. Servs. v. Knowles [45,738]
No. 88 CVS 5740 (N.C. Super. Ct., Forsyth County, May 11, 1990), 362

Citizens Action Coalition of Ind. v. Public Serv. Co. of Ind.
552 N.E.2d 834 (Ind. Ct. App. 1990), 392

City & County of San Francisco v. McMahon [45,777], 374

City of Tenakee Springs v. Clough
915 F.2d 1308 (9th Cir. 1990), 1194

City of Westerville v. Kuehnert
553 N.E.2d 1085 (Ohio App. Ct. 1988), 623

City Wide Assocs. v. Penfield [46,336]
564 N.E.2d 1003 (Mass. Sup. Jud. Ct. 1991), 1377

Clair Recreation Center, Inc. v. Flynn
897 F.2d 623 (1st Cir. 1990), 270

Clark, *In re* [46,192], 1159

Clark v. Kizer [43,105], 1162

Clark v. Schwabe, Williamson & Wyatt [44,831]
No. 89-87-BE (D. Or. Jan. 16, 1990), 128

Clark County Social Servs. Dep't v. Newkirk [43,850]
789 P.2d 227 (Nev. 1990), 268

Clarke v. Michigan Employment Sec. Comm'n [45,428], 858

Clay County Manor v. Luna [45,667], 254, 584

Clem v. Christole, Inc.
548 N.E.2d 1180 (Ind. Ct. App. 1990), 64

Clem v. Sullivan
894 F.2d 328 (9th Cir. 1990), 162

Clements v. City of Chester [45,882], 849

Clemons v. Springfield Hous. Auth. [45,812]
No. 90-CV-166 (Hampden, Mass., Hous. Ct. June 15, 1990), 600

Cleveland v. Fulton County
396 S.E.2d 2 (Ga. Ct. App. 1990), 1196

Clifford v. Jacobs
739 F. Supp. 957 (M.D. Pa. 1990), 868

Cline v. Director, Office of Workers' Compensation Program
917 F.2d 9 (8th Cir. 1990), 1196

Clovis Unified School Dist. v. Office of Admin. Hearings
903 F.2d 635 (9th Cir. 1990), 623

Coakley v. Sunn
895 F.2d 604 (9th Cir. 1990), 163

Coalition of Cal. Welfare Rights Orgs. v. McMahon [45,498], 58

Coalition to Save Our Children v. Buchanan
744 F. Supp. 582 (D. Del. 1990), 1193

Coffin v. Sullivan
895 F.2d 1206 (8th Cir. 1990), 162

Coffman v. Wilson Police Dep't
739 F. Supp. 257 (E.D. Pa. 1990), 747

Coker v. Sullivan
902 F.2d 84 (D.C. Cir. 1990), 632

Coleman v. Deukmejian [46,012]
No. 515668 (Cal. Super. Ct., Sacramento County, Aug. 10, 1990), 726

Coleman v. Dow Chem. Co.
747 F. Supp. 146 (D. Conn. 1990), 1193

Coleman v. Hairston [44,388]
No. C-1-89-177 (S.D. Ohio Aug. 8, 1990), 724

Coleman v. White [42,346]
No. 87-1232 (E.D. Pa. Jan. 25, 1990), 57

Collins v. Eichler [46,096], 1165

Collins v. Sanchez [46,146]
No. JP5-90-C1166 (Del. J.P. Ct., Sussex County, Oct. 5, 1990), 1175

Collins v. Yeutter [46,088], 847

Colon v. Hart (*In re* Colon) [44,881]
No. 87-03126F (Bankr. E.D. Pa. June 7, 1990), 583

Colon v. Schneider
899 F.2d 660 (7th Cir. 1990), 391

Colonial Am. Nat'l Bank v. Via [45,232]
No. 90-0116-R (W.D. Va. July 20, 1990), 1147

Colorado v. District Court
797 P.2d 1259 (Colo. 1990), 1198

Colorado *ex rel.* D.C.
797 P.2d 840 (Colo. Ct. App. 1990), 1204

Comaduran v. Justice Court of Gila County, Ariz. [46,284], 1283

Comer v. Kemp [45,360], 728

Comfed Sav. Bank v. Doucette [45,589], 140

Commonwealth Bank & Trust v. Winterberger
582 A.2d 730 (Pa. Commw. Ct. 1990), 1308

Community Management v. Palmer [45,579]
No. JP19-89-10-1207 (Del. Justice of the Peace Ct. No. 19, Sussex County, July 10, 1990), 142, 734

Concerned Tenants of Father Panik Village v. Kemp [42,892]
No. B-87-809 (TFGD) (D. Conn. Sept. 14, 1990), 1167

Condosta v. Department of Social Welfare
578 A.2d 122 (Vt. 1990), 873

Cone v. Babcock [44,615]
No. 89-010-057-AZ (Mich. Cir. Ct., Gladwin County, May 5, 1990), 255

Conerly, *In re* [46,101]
No. 36-C-320232 (La. Dept. of Social Servs., Appeals Bureau, Apr. 18, 1990), 864

Congleton v. Holy Cross Child Placement Agency [45,577]
No. 89-2120 (W.D. La. Mar. 19, 1990); 919 F.2d 1077 (5th Cir. 1990), 130, 1392

Congleton v. Holy Cross Placement Agency [45,577]
See Congleton v. Holy Cross Child Placement Agency

Conley, *In re* [45,829]
No. 89-0714-CIV-ATKINS (S.D. Fla. July 12, 1989), 582

Connor v. Mobil Chem. Co.
741 F. Supp. 617 (E.D. Tex. 1990), 873

Consumers Educ. & Protective Ass'n v. Plonski [45,861], 736

Contreras v. Mt. Adams Orchard [46,186]
No. C-89-184-AAM (E.D. Wash. Oct. 9, 1990), 1176

Conway v. Boston Edison Co.
745 F. Supp. 773 (D. Mass. 1990), 1194

Cook, *In re* [45,843]
No. 9423 (Vt. Human Servs. Bd. May 3, 1990), 589

Cook v. Amurcon Corp. [45,844]
No. 90-5587-CH (Mich. Cir. Ct., Isabella County, Nov. 26, 1990), 601, 1172

Cook v. Hairston
735 F. Supp. 239 (S.D. Ohio 1990), 624

Cook v. Office of Workers Compensation Programs
901 F.2d 33 (4th Cir. 1990), 623

Cook v. Secretary of HHS
745 F. Supp. 1248 (E.D. Mich. 1990), 1203

Cooke v. Allstate Management Corp.
741 F. Supp. 1205 (D.S.C. 1990), 876

Cooke v. Naylor
573 A.2d 376 (Me. 1990), 618

Cooper v. Cobe Laboratories, Inc.
743 F. Supp. 1422 (D. Colo. 1990), 1193

Cooper v. French
460 N.W.2d 2 (Minn. 1990), 1198

Cordrey v. Euckert
917 F.2d 1460 (6th Cir. 1990), 1309

Cormier v. Housing Auth. of New Iberia [45,574]
No. 89-4706 (5th Cir. Mar. 7, 1990), 124

Corry v. Corry
568 So. 2d 1348 (Fla. Ct. App. 1990), 1394

Cortez v. Owyhee County, Idaho [45,865]
793 P.2d 707 (Idaho Sup. Ct. 1990), 584

Corvallis Tool Co. v. Employment Div.
795 P.2d 576 (Or. Ct. App. 1990), 1204

Cosby v. Jackson [34,728]
741 F. Supp. 740 (N.D. Ill. 1990), 880

Cosgrove v. Bowen [45,458]
898 F.2d 332 (2d Cir. 1990), 133

Couch v. Alaska
795 P.2d 1291 (Alaska Ct. App. 1990), 1190

Couch v. Director, Mo. State Div. of Family Servs.
795 S.W.2d 91 (Mo. Ct. App. 1990), 1398

County of Contra Costa v. Superior Court of Cal., Contra Costa County [44,692]
No. S013755 (Cal. Sup. Ct. Feb. 21, 1990), 43

County of Essex v. Waldman
583 A.2d 384 (N.J. Super. Ct. App. Div. 1990), 1399

County of Pine v. Petersen
453 N.W.2d 718 (Minn. Ct. App. 1990), 394

County of Suffolk v. Long Island Lighting Co.
907 F.2d 1295 (2d Cir. 1990), 868

Couto v. Gibson, Inc. [45,780]
No. 1409 (Ohio Ct. App. Apr. 20, 1990), 361

Covelo Indian Community v. Federal Energy Regulatory Comm'n
895 F.2d 581 (9th Cir. 1990), 161

Cramer v. Association Life Ins. Co.
569 So. 2d 533 (La. 1990), 1398

Crane v. Crane
559 So. 2d 97 (Fla. Dist. Ct. App. 1990), 386

Crane v. Kemp [44,576]
No. C89-599 (W.D. Wash. Apr. 25, 1990), 258

Crary v. Department of Social Servs. [45,402]
No. 363143 (Cal. Super. Ct., Sacramento County, Aug. 3, 1990), 863

Crayton v. Hamilton [46,002]
No. 665476-0 (Cal. Super. Ct., Alameda County, July 9, 1990), 733

Crespin v. Kizer [45,704], 1164

Cresto v. Director, Office of Workers' Compensation Programs [43,296]
No. 87-2727 (7th Cir. Feb. 22, 1990), 250

Crider v. Department of Health & Rehabilitative Servs.
555 So. 2d 408 (Fla. Dist. Ct. App. 1989), 63

Crihfield v. Willis-Miller [46,338], 1377

Croak v. Schaffer [45,831]
No. 90-0126-A (S.D. Iowa June 13, 1990), 597

Crocker v. Tennessee Secondary School Athletic Ass'n
735 F. Supp. 753 (M.D. Tenn. 1990), 623

Croft v. Harder
730 F. Supp. 342 (D. Kan. 1989), 156

Cronkhite v. Kemp [45,371]
741 F. Supp. 829 (E.D. Wash. 1990); No. CS-89-765-JLQ (E.D. Wash. Jan. 18, 1991), 599, 1370

Crosby v. Kotch
580 A.2d 1191 (Pa. Commw. Ct. 1990), 1310

Cross v. Washington
911 F.2d 341 (9th Cir. 1990), 1199

Crow Wing County, Minn. v. Thoe
451 N.W.2d 357 (Minn. Ct. App. 1990), 157

Crowder v. Housing Auth. of Atlanta
908 F.2d 843 (11th Cir. 1990), 867

Crowder v. Sullivan [44,893]
897 F.2d 252 (7th Cir. 1990), 271

Cruz v. Sullivan
912 F.2d 8 (2d Cir. 1990), 1201

Cruzan v. Director, Mo. Dep't of Health [44,045]
110 S. Ct. 2841 (U.S. 1990), 590

Crytes v. Schafer
743 F. Supp. 677 (E.D. Mo. 1990), 1203

Cumpiano v. Banco Santander P.R.
See Cumpiano Sanchez v. Banco Santander, P.R.

Cumpiano Sanchez v. Banco Santander, P.R.
902 F.2d 148 (1st Cir. 1990); 741 F. Supp. 1015 (D.P.R. 1989), 621, 873

Curran v. Bosze [45,887]
No. 87 M1 4599 (Ill. Cir. Ct., Cook County, July 18, 1990), 835

Curry Corp. v. Mooro [45,753]
393 S.E.2d 33 (Ga. Ct. App. 1990), 713

Curtis v. Curtis
789 P.2d 717 (Utah 1990), 387

Curtis v. Housing Auth. of Oakland [46,076]
746 F. Supp. 203 (N.D. Cal. 1990), 846

—D—

D., *In re* [45,549]
263 Cal. Rptr. 869, 215 Cal. App. 3d 889 (1989), 47

D., *In re* [45,737]
(SSA, Office of Hearings & App., Apr. 19, 1990), 380

D., *In re* [46,312]
(SSA, Office of Hearings & App., Sept. 13, 1990), 1290

D. v. Illinois
560 N.E.2d 966 (Ill. App. Ct. 1990), 1311

D., Chris v. Montgomery County Bd. of Educ.
743 F. Supp. 1524 (M.D. Ala. 1990), 1195

D., I., *In re*
563 N.E.2d 1200 (Ill. App. Ct. 1990), 1399

D., J.L., *In re*
794 P.2d 319 (Kan. Ct. App. 1990), 876

D., J.W., *In re*
456 N.W.2d 214 (Iowa 1990), 751

D., J.W., *In re*
458 N.W.2d 8 (Iowa Ct. App. 1990), 876

D., Jeff v. Andrus [37,341]
899 F.2d 753 (9th Cir. 1989), 385

D., R.L., *In re*
456 N.W.2d 919 (Iowa 1990), 752

D'Agnillo v. HUD
738 F. Supp. 1443 (S.D.N.Y. 1990), 751

Dailey, *In re*
784 S.W.2d 782 (Ark. Ct. App. 1989), 272

Dala v. Board of Review of W. Va. Dep't of Employment Sec. [46,134]
No. 87-AA-220 (W. Va. Cir. Ct., Kanawha County, Sept. 21, 1990), 1150

Daniels v. City of Alcoa
732 F. Supp. 1467 (E.D. Tenn. 1989), 389

Daniels v. Essex Group, Inc.
740 F. Supp. 553 (N.D. Ind. 1990), 872

Dansby v. Zanesville Metro. Hous. Auth. [46,147], 1169

Darling v. Sullivan [42,592]
No. 87-6067-CV-SJ-6 (W.D. Mo. Apr. 17, 1990); No. 88-2873 (8th Cir. Sept. 11, 1990); No. 87-6067-CV-SJ-6 (W.D. Mo. Dec. 10, 1990), 360, 841, 1281

Daubert v. Sullivan
905 F.2d 266 (9th Cir. 1990), 629

Daugherty v. Director of Office of Workers Compensation
897 F.2d 740 (4th Cir. 1990), 275

Davel v. Sullivan
902 F.2d 559 (7th Cir. 1990), 628

Davidson v. Davidson
786 S.W.2d 186 (Mo. Ct. App. 1990), 388

Davidson v. Secretary of HHS
912 F.2d 1246 (10th Cir. 1990), 1202

Davis, *In re*
899 F.2d 1136 (11th Cir. 1990), 385

Davis, *In re* [45,678]
(SSA, Office of Hearings & App., Apr. 26, 1990), 265

Davis v. Bowen
894 F.2d 271 (8th Cir. 1989), 154

Davis v. City of Berkeley
794 P.2d 897 (Cal. 1990), 873

Davis v. Commissioner, Me. Dep't of Human Servs. [46,038]
No. CV-90-98 (Me. Super. Ct., Kennebec County, Mar. 9, 1990), 743

Davis v. Department of Human Servs. [45,894], 743

Davis v. Secretary of HHS
915 F.2d 186 (6th Cir. 1990), 1201

Davis v. Swatts
556 So. 2d 467 (Fla. Dist. Ct. App. 1990), 164

Davis v. Thornburgh [40,509]
903 F.2d 212 (3d Cir. 1990), 836

Davis v. Village of Calumet Park
737 F. Supp. 1039 (N.D. Ill. 1990), 753

Davis v. White [46,204], 1183

Davisson, Marriage of, *In re*
797 P.2d 809 (Colo. Ct. App. 1990), 1991

De Jesus v. Banco Popular de P.R.
918 F.2d 232 (1st Cir. 1990), 1304

De Valle v. INS
901 F.2d 787 (9th Cir. 1990), 625

Dean v. Sullivan
735 F. Supp. 402 (M.D. Fla. 1990), 629

Deberry v. Sherman Hosp. Ass'n
741 F. Supp. 1302 (N.D. Ill. 1990), 874

Decatur City Bd. of Educ. v. Aycock
562 So. 2d 1331 (Ala. Civ. App. 1990), 875

Decicco v. Sullivan [46,337]
No. CV 89-3703-MRP (GHK) (C.D. Cal. June 27, 1990), 1385

Deel v. Syracuse Veterans Admin. Medical Center
729 F. Supp. 231 (N.D.N.Y. 1990), 159

DeGidio v. Pung
920 F.2d 525 (8th Cir. 1990), 1392

Delaware Child Protective Servs. v. Johnson [45,578], 141, 851

Delaware Child Protective Servs. v. Selby [46,097], *See* Delaware Div. of Child Protective Servs. v. Selby

Delaware Div. of Child Protective Servs. v. Selby [46,097], 851, 1383

DeMara v. Michigan
454 N.W.2d 401 (Mich. Ct. App. 1990), 622

Demenech v. Secretary of HHS
913 F.2d 882 (11th Cir. 1990), 1202

Denbow v. Harris
583 A.2d 205 (Me. 1990), 1394

Dennard v. Secretary of HHS
907 F.2d 598 (6th Cir. 1990), 879

Dennis v. Florida Dep't of Health & Rehabilitative Servs.
566 So. 2d 1374 (Fla. App. Ct. 1990), 1306

Department of Educ., Scotland School for Veterans' Children v. Unemployment Compensation Bd. of Review
578 A.2d 78 (Pa. Commw. Ct. 1990), 880

Department of Health & Rehabilitative Servs. v. Blue
564 So. 2d 243 (Fla. Dist. Ct. App. 1990), 868

Department of Health & Rehabilitative Servs. v. R.
No. 89-1874C (Fla. Dep't of Health & Rehabilitative Servs. May 30, 1990), 855

Department of Human Resources v. Brown
397 S.E.2d 73 (Ga. Ct. App. 1990), 1307

Department of Human Resources v. Crosby
387 S.E.2d 608 (Ga. Ct. App. 1989), 62

Department of Human Servs. v. Roy [46,362]
No. AND-90-341 (Me. Sup. Jud. Ct. Jan. 29, 1991), 1376

Department of Revenue v. Sorrentino
557 N.E.2d 1376 (Mass. 1990), 869

Department of Social Servs. v. Johnson
394 S.E.2d 721 (S.C. Ct. App. 1990), 876

DePasquale v. Aetna Life Ins. Co.
743 F. Supp. 364 (E.D. Pa. 1990), 1188

DeRamus v. Hornsby [46,263]
No. 89-1471 (Ala. Sup. Ct. Nov. 16, 1990), 1286

Derrick v. Kemp [44,516], 1169

DeSonier v. Sullivan
906 F.2d 228 (6th Cir. 1990), 754

Dessin v. Housing Auth. of Fort Myers [46,139]
No. 90-232-Civ-T-Flm-15D (M.D. Fla. Sept. 26, 1990), 1168

Detsel v. Sullivan
895 F.2d 58 (2d Cir. 1990), 159

Deutsch v. Federal Bureau of Prisons
737 F. Supp. 261 (S.D.N.Y. 1990), 627

Difford v. Secretary of HHS
910 F.2d 1316 (6th Cir. 1990), 1201

Dion v. Commissioner, Me. Dep't of Human Servs. [45,838]
743 F. Supp. 80 (D. Me. 1990), 588, 1182

Disabled Rights Union v. Kizer
744 F. Supp. 221 (C.D. Cal. 1990), 1202

District of Columbia v. Carmichael
577 A.2d 312 (D.C. 1990), 878

Divers v. Department of Corrections
921 F.2d 191 (8th Cir. 1990), 1400

Division of Child Support Enforcement v. Barrows
570 A.2d 1180 (Del. 1990), 272

Dix v. Sullivan
900 F.2d 135 (8th Cir. 1990), 392

Dodge v. Town of Norridgewock [45,961]
577 A.2d 346 (Me. Sup. Jud. Ct. 1990), 709, 880

Dodrill v. Lorain County Sheriff
557 N.E.2d 1238 (Ohio Ct. App. 1988), 878

Doe v. Alabama State Dep't of Educ.
915 F.2d 651 (11th Cir. 1990), 1195

Doe v. Borough of Barrington
729 F. Supp. 376 (D.N.J. 1990), 157

Doe v. Defendant I
898 F.2d 1186 (6th Cir. 1990), 389

Doe v. Hirsch
731 F. Supp. 627 (S.D.N.Y. 1990), 271

Doe v. Milwaukee County
903 F.2d 499 (7th Cir. 1990), 625

Doe v. New Bedford Hous. Auth. [45,970], 730

Doe v. Southeastern Univ.
732 F. Supp. 7 (D.D.C. 1990), 274

Doe, J., *In re*
795 P.2d 294 (Haw. Ct. App. 1990), 1198

Doering v. Sussex Trust Co. [46,168]
No. 61-04-89 (Del. Ct. C.P., Sussex County, Oct. 1, 1990), 1154

Dolezel v. Moles [46,013]
No. 879 (Mich. Dist. Ct. Apr. 24, 1990), 735

Dominguez v. New Mexico
798 P.2d 219 (N.M. Ct. App. 1990), 1199

Dominguez v. Superior Court of Cal., Alameda County [45,863], 594, 725

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,062], 839

Dominion Bank v. Lambert [45,513]
No. 89-18724 (Va. Gen. Dist. Ct., Roanoke City, Feb. 22, 1990), 34

Donato v. Corrado
578 A.2d 161 (Conn. App. Ct. 1990), 870

Doran v. Department of Health & Rehabilitative Servs. [45,951]
558 So. 2d 87 (Fla. Dist. Ct. App. 1990), 726

Dorsey, *In re* [46,223]
No. 50468842 (Ga. Dep't of Human Resources Nov. 16, 1990), 1186

Doty v. Alabama Dep't of Indus. Relations
564 So. 2d 443 (Ala. 1989), 880

Doubt v. Jackson [45,862]
No. 88-0193-L (W.D. Va. Feb. 22, 1990), 612

Doucette v. Ives [46,021]
744 F. Supp. 23 (D. Me. 1990); 745 F. Supp. 763 (D. Me. 1990), 741, 1148

Douglas v. Babcock [45,656]
No. 90-CV-40100-FL (E.D. Mich. Apr. 16, 1990), 267, 1300

Dowden v. Tisch
729 F. Supp. 1137 (E.D. Tex. 1989), 159

Draper v. Federal Nat'l Mortgage Ass'n (*In re* Draper) [46,193]
No. 90-10369S (Bankr. E.D. Pa. Sept. 28, 1990), 1147

Draper v. Sullivan
899 F.2d 1127 (11th Cir. 1990), 393

Dubose v. General Motors Acceptance Corp. [44,829]
No. N-88-506 (EBB) (D. Conn. Oct. 16, 1989), 127

Dubuque v. Yeutter [44,733]
728 F. Supp. 303 (D. Vt. 1989); 917 F.2d 741 (2d Cir. 1990), 38, 248, 1159

Duggan, *In re*
734 F. Supp. 705 (D.S.C. 1990), 616

Duncan, *In re*
796 S.W.2d 562 (Tex. Ct. App. 1990), 1396

Duncan v. Sabal Palms I Assocs. [44,209]
No. 89-3 CIV-FtM-10(A) (M.D. Fla. June 7, 1990), 595

Dunfee v. Board of Review of W. Va. Dep't of Employment Sec. [46,103]
No. 89-AA-101 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 859

Dunn v. Secretary of Agric. [45,653]
See Dunn v. Yeutter

Dunn v. Yeutter [45,653]
735 F. Supp. 20 (D. Me. 1990), 249, 718

Duquette v. Housing Auth. of Woonsocket, R.I. [45,709]
No. 89-0242B (D.R.I. Sept. 21, 1989), 372

Durrett v. Housing Auth. of Providence [45,445]
896 F.2d 600 (1st Cir. 1990), 33

Duval Ass'n for Residential Care v. Bethea [46,083], 841

Dyer v. Quality Car & Truck Leasing [45,806]
No. 419 (Ohio Ct. App. June 18, 1990), 585

Dynan v. Rocky Mountain Fed. Sav. & Loan [45,694]
792 P.2d 631 (Wyo. Sup. Ct. 1990), 248

—E—

E. v. Martinez [45,828], 589

E., L., *In re*
394 S.E.2d 515 (W. Va. 1990), 870

East Lake Management & Dev. Corp. v. Irvin [43,478]
551 N.E.2d 272 (Ill. App. Ct. 1990), 275

Eastern Technical School, *In re* [45,543]
(U.S. Dep't of Educ. Feb. 6, 1990), 37

Eastman v. Administrator, Ohio Bureau of Employment Servs. [45,638]
No. H-89-16 (Ohio Ct. App. Apr. 13, 1990), 266

Economou v. Economou
395 S.E.2d 830 (Ga. Ct. App. 1990), 1191

Eder v. West
799 P.2d 192 (Or. Ct. App. 1990), 1396

Edwards v. Hodel
738 F. Supp. 426 (D. Colo. 1990), 749

Edwards v. Lockhart
908 F.2d 299 (8th Cir. 1990), 877

EEOC v. Monclova Township
920 F.2d 360 (6th Cir. 1990), 1397

EEOC v. School Bd. of Pinellas County
742 F. Supp. 622 (M.D. Fla. 1990), 1194

EEOC v. Service News Co.
898 F.2d 958 (4th Cir. 1990), 388

Eggleston v. Illinois Dep't of Employment Sec.
557 N.E.2d 534 (Ill. App. Ct. 1990), 880

Ekeland v. Bowen
899 F.2d 719 (8th Cir. 1990), 392

El Rescate Legal Servs., Inc. v. Executive Office for Immigration Review
727 F. Supp. 557 (C.D. Cal. 1989), 64

Elder v. Coronet Ins. [45,977]
558 N.E.2d 1312 (Ill. App. Ct. 1990), 714

Elifritz, *In re* [45,674]
(SSA, Office of Hearings & App., Apr. 19, 1990), 266

Elliott v. Cheshire County
750 F. Supp. 1146 (D.N.H. 1990), 1400

Elliott v. ITT Corp. [45,509], 36

Ellis v. Commissioner, Me. Dep't of Human Servs. [46,034]
No. 90-0137-P (D. Me. June 12, 1990), 724

Ellis v. Mobile Hous. Bd. [45,546]
No. 84-1355-AH (S.D. Ala. Nov. 30, 1989), 42

Elmwood Neighborhood Hous. Servs. v. Shartzer [45,547], 47

Emerson v. Wynia [46,343]
No. 4-89-1034 (D. Minn. Jan. 10, 1991), 1378

English v. Rubin [44,386]
No. 89-00158 ACK (D. Haw. Mar. 16, 1990), 382

Equitable Life Assurance Soc'y v. Sublett (*In re* Sublett)
895 F.2d 1381 (11th Cir. 1990), 155

Erspamer v. Derwinski [45,615]
No. 89-14 (U.S. Ct. Veterans Appeals Feb. 23, 1990), 148

Erwin v. Everard
561 So. 2d 445 (Fla. Dist. Ct. App. 1990), 619

Escatel v. Board of Review of Ill. Dep't of Employment Sec. [46,131]
No. 90-MR-11 (Ill. Cir. Ct., La Salle County, Oct. 3, 1990), 1180

Escobar v. INS
896 F.2d 564 (D.C. Cir. 1990), 275

Escudero v. Henry
395 S.E.2d 793 (W. Va. 1990), 1306

Esparza v. Commissioner, Me. Dep't of Human Servs. [45,602]
No. CV-89-112 (Me. Super. Ct., Washington County, Mar. 8, 1990), 152

Esteb v. Enright [45,991]
563 N.E.2d 139 (Ind. Ct. App. 1990), 717, 1156

Estelle v. Secretary of HHS
751 F. Supp. 110 (W.D. La. 1989), 1401

Etherington v. Bankers Life & Casualty Co.
747 F. Supp. 1269 (N.D. Ill. 1990), 1312

Etuk v. Blackman [46,144]
748 F. Supp. 990 (E.D.N.Y. 1990), 1173

Evans v. Commissioner, Me. Dep't of Human Servs. [45,407]
No. 89-0058-P (D. Me. Feb. 6, 1990); No. 89-0058-P (D. Me. Aug. 1, 1990), 56, 834

Evens v. Sagers [45,651], 263

Eversole v. Central Fin. Servs. (*In re* Eversole) [46,183]
No. 89-6-0356 (Bankr. E.D. Ky. Apr. 27, 1990), 1152

Evitt v. University Heights Hosp.
727 F. Supp. 495 (S.D. Ind. 1989), 63

Ezekiel v. Department of Human Resources
562 So. 2d 524 (Ala. Civ. App. 1990), 875

—F—

Fairrow v. Fairrow
559 N.E.2d 597 (Ind. 1990), 1306

Familystyle of St. Paul v. St. Paul, Minn. [46,162]
728 F. Supp. 1396 (D. Minn. 1990), 64, 1160

Familystyle of St. Paul, Inc. v. City of St. Paul
See Familystyle of St. Paul v. St. Paul, Minn.

Faries v. Director, Office of Workers' Compensation Programs
909 F.2d 170 (6th Cir. 1990), 874

Farley v. Sullivan [43,480]
No. 88-127 (D. Vt. Dec. 4, 1990), 1179

Farm Credit Bank of Wichita v. Tselee [45,591], 144

Farmer v. Moritsugu
742 F. Supp. 525 (W.D. Wis. 1990), 1200

Faulkner v. McLocklin
727 F. Supp. 486 (N.D. Ind. 1989), 64

Favaloro v. Cooper
562 So. 2d 943 (La. Ct. App. 1990), 871

FDL Foods, Inc. v. Employment Appeal Bd.
456 N.W.2d 233 (Iowa Ct. App. 1990), 755

Fedison v. Secretary of HHS
748 F. Supp. 449 (W.D. La. 1990), 1313

Fee v. Herndon
900 F.2d 804 (5th Cir. 1990), 621

Fenoff v. Fenoff
578 A.2d 119 (Vt. 1990), 870

Ferguson v. Williams
566 So. 2d 9 (Fla. Dist. Ct. App. 1990), 1191

Fern v. United States
908 F.2d 955 (Fed. Cir. 1990), 868

Fernandez-Santander v. Thornburgh
751 F. Supp. 1007 (D. Me. 1990), 1398

Fetterusso v. New York
898 F.2d 322 (2d Cir. 1990), 276

Figueroa v. Market Training Inst. [43,212]
(N.Y. Sup. Ct., App. Div., Nov. 30, 1990), 1159

Fillicetti v. Fillicetti
796 S.W.2d 479 (Mo. Ct. App. 1990), 1395

Finger v. Indiana Dep't of Pub. Welfare
[45,807], 594

Finkelstein v. Sullivan [46,091], 855

Finney v. Baylor Medical Center Grapevine
792 S.W.2d 859 (Tex. Ct. App. 1990), 874

First Nat'l Bank of Ada v. Arles [43,788], 1153

FirsTier Mortgage Co. v. Investors Mortgage Ins. Co.
59 U.S.L.W. 4070 (1991), 1305

Five Avco Fin. Servs. v. Dunbar [45,711], 362

Flagstaff Medical Center v. Sullivan [44,758]
No. CIV 88-1881 PCT CAM (Lead) (D. Ariz. Jan. 31, 1990), 126, 833

Fleet Mortgage Corp. v. Berry [45,696], 245

Flores v. Meese [39,665]
906 F.2d 396 (9th Cir. 1990), 751

Flores v. Reagen
792 S.W.2d 1 (Mo. Ct. App. 1990), 873

Florida *ex rel.* Pittman v. Stanjeski
562 So. 2d 673 (Fla. 1990), 869

Florida Dep't of Health & Rehabilitative Servs. v. Morley
570 So. 2d 402 (Fla. Dist. Ct. App. 1990), 1394

Florida Dep't of Health & Rehabilitative Servs. v. Sadiki
561 So. 2d 304 (Fla. Dist. Ct. App. 1990), 619

Florida Dep't of Health & Rehabilitative Servs. v. Savage
570 So. 2d 1089 (Fla. Dist. Ct. App. 1990), 1394

Florida Dep't of Health & Rehabilitative Servs. *ex rel.* W. Va. Dep't of Human Servs., Div. of Social Servs. v. Thornton
396 S.E.2d 475 (W. Va. 1990), 1394

Florida Dep't of Health Servs. v. Porbansky
569 So. 2d 815 (Fla. Dist. Ct. App. 1990), 1394

Florida Dep't of Labor v. DOL
893 F.2d 1319 (11th Cir. 1990), 156

Flowers v. Illinois Dep't of Pub. Aid [46,313]
No. 90 CH 103 (Ill. Cir. Ct., Cook County, Nov. 5, 1990), 1289

Flowers v. Verde [45,743]
No. 98005/90 (N.Y. Sup. Ct., Kings County, May 10, 1990), 376

Flyinghorse, Guardianship of, *In re* [45,529], 50

Flynn, *In re* [46,299]
(SSA, Office of Hearings & App., Dec. 10, 1990), 1299

FMC v. Shoshone-Bannock Tribes
905 F.2d 1311 (9th Cir. 1990), 752

Fonseca v. Philadelphia Hous. Auth. (*In re* Fonseca) [45,594]
No. 89-12608 S (Bankr. E.D. Pa. Feb. 7, 1990), 138

Fontanette v. Whitfield [45,832]
No. 87-4100 (La. Civ. Dist. Ct., Orleans Parish, June 11, 1990), 610

Ford Motor Credit Co. v. Williams
390 S.E.2d 640 (Ga. Ct. App. 1990), 386

Foreman, *In re*
906 F.2d 123 (5th Cir. 1990), 746

Forsman v. Employment Sec. Dep't of Wash.
See Forsman v. Washington Employment Sec. Dep't

Forsman v. Washington Employment Sec. Dep't
795 P.2d 1184 (Wash. Ct. App. 1990), 1204, 1402

Fortney v. Hines [46,225]
No. 90 AP 02 0018 (Ohio Ct. App. Oct. 31, 1990), 1149

Foster v. Federspiel
560 N.E.2d 691 (Ind. Ct. App. 1990), 1307

Foster v. Johnson [45,736]
No. 90-588-CIV-T-3A 98(c) (M.D. Fla. May 18, 1990), 370

Fountain v. Barry [45,724]
No. 90-1503 (D.C. Super. Ct. Oct. 12, 1990), 373, 1171

Fowler v. Jones
899 F.2d 1088 (11th Cir. 1990), 391

Fox v. Bowen [25,473], 843

Fox v. Fox
788 S.W.2d 743 (Ark. Ct. App. 1990), 619

Franklin v. Barry [46,308], 1286

Franklin v. Housing Auth. of Milwaukee [45,713]
455 N.W.2d 533 (Wis. Ct. App. 1990), 372

Frazier v. South Dakota Dep't of Social Servs.
[46,208]
No. CIV 90-90 (S.D. Cir. Ct., Davison County, Oct. 26, 1990), 1185

Freeman v. District of Columbia Dep't of Employment Servs.
568 A.2d 1091 (D.C. 1990), 163

Freeman United Coal Mining v. Benefits Review Bd., United States Dep't of Labor
912 F.2d 164 (7th Cir. 1990), 1196

French v. Whitfield [44,962]
561 So. 2d 977 (La. Ct. App. 1990), 380

Friedrich v. Secretary of HHS
894 F.2d 829 (6th Cir. 1990), 159

Fruit v. Norris
905 F.2d 1147 (8th Cir. 1990), 753

Fuehrer, Adoption of, *In re*
573 A.2d 1035 (Pa. Super. Ct. 1990), 620

Fuller v. Quire
916 F.2d 358 (6th Cir. 1990), 1188

—G—

G., *In re* [45,633]
577 A.2d 248 (R.I. 1990), 262, 601

G., *In re* [46,004], 732

G., *In re* [46,274]
(SSA, Office of Hearings & App., Nov. 29, 1990), 1289

G., *In re* [46,271]
No. 90-039-170 (Medicare Hearing Dep't Oct. 19, 1990), 1289

G. v. Doe [45,715], 363

Gabai v. Grinker [45,648]
No. 46181/89 (N.Y. Sup. Ct., New York County, Apr. 10, 1990), 255

Gadea v. Goodrich [45,868]
No. 90-C-0251 (E.D. Wis. June 25, 1990), 742

Gadfield v. Ferris Chevrolet [46,361]
No. 90-1607 (Ohio Sup. Ct. Dec. 5, 1990), 1374

Gadison v. Housing Auth. of Travis County
[46,269]
No. A-90-CA-751 (W.D. Tex. Nov. 2, 1990), 1292

Gadson v. North Carolina Memorial Hosp.
392 S.E.2d 618 (N.C. Ct. App. 1990), 750

Gagne v. Barile [44,402]
No. 88-0386/T (D.R.I. June 4, 1990), 611

Galarza v. Secretary of HHS [46,333]
No. CV-90-1846 (E.D.N.Y. Nov. 26, 1990), 1386

Galindo v. Keen [45,994], 732

Garcia v. Board of Supervisors of Los Angeles County [46,006], 722

Garcia v. Garcia
560 So. 2d 403 (Fla. Ct. App. 1990), 619

Garcia v. Yeutter [45,706]
No. 90-0981 (D.D.C. Dec. 28, 1990), 377, 1296

Garnett v. Sullivan [43,399]
905 F.2d 778 (4th Cir. 1990), 753

Garrick v. Hospital Collection Servs. [44,836]
No. H-88-643 (AHN) (D. Conn. Jan. 31, 1990), 128

Garza v. Mabton School Dist. [43,433]
No. C-85-889-RJM (E.D. Wash. June 19, 1990), 604

Garza v. Texas Dep't of Human Servs.
794 S.W.2d 521 (Tex. Ct. App. 1990), 1192

Gasner v. Wisconsin Dep't of Health & Social Servs. [46,074]
No. 90 CV 21 (Wis. Cir. Ct., Richland County, July 11, 1990), 840

Gatcomb v. Commissioner, Me. Dep't of Human Servs. [45,834]
(Me. Super. Ct., Kennebec County, Nov. 7, 1989), 614

Gautam v. Human Resources Admin. Hamilton Resource Center [46,156]
(N.Y. Sup. Ct., New York County, Sept. 14, 1990), 1149

Gay v. Sullivan [44,288]
No. 87 C 441 (N.D. Ill. May 10, 1990), 737

Gaynor v. Union Trust Co.
582 A.2d 190 (Conn. 1990), 1393

Gayton v. City of Olean Hous. Auth. [45,878], 598

Geller v. Blue Cross & Blue Shield of Mich. [45,888], 726

General Asphalt Co. v. Harris
563 So. 2d 803 (Fla. Dist. Ct. App. 1990), 755

General Motors Acceptance Corp. v. Cooke [46,094], 835

General Motors Corp. v. Abrams
897 F.2d 34 (2d Cir. 1990), 271

Gennings v. Newton [46,067]
567 So. 2d 637 (La. Ct. App. 1990), 852

Gentry v. Department of Pub. Health
451 N.W.2d 878 (Mich. Ct. App. 1990), 271

George v. Housing Auth. of New Orleans [46,113]
No. 88-0461 (E.D. La. Dec. 14, 1990), 1291

George v. Sullivan
909 F.2d 857 (6th Cir. 1990), 879

George v. Sullivan [44,668]
751 F. Supp. 539 (D. Md. 1990), 1392

Georgia *ex rel.* Harrell v. Harrell
391 S.E.2d 641 (Ga. 1990), 618

Georgia Dep't of Human Resources v. Pernice
399 S.E.2d 65 (Ga. 1991), 1393

Gianakas v. Gianakas
917 F.2d 759 (3d Cir. 1990), 1305

Gibson v. Bennett
561 So. 2d 565 (Fla. 1990), 748

Gilbert v. City of Cambridge
745 F. Supp. 42 (D. Mass. 1990), 1197

Giles v. Housing Auth. of Frankfort [45,074]
No. 89-107 (E.D. Ky. May 3, 1990), 257

Gittens v. Lefevre
891 F.2d 38 (2d Cir. 1989), 64

Givens v. Hamlet Estates [46,291]
No. 90-1908 (S.D. Fla. Oct. 4, 1990), 1290

Glammer v. Unemployment Compensation Bd. of Review
583 A.2d 59 (Pa. Commw. Ct. 1990), 1402

Glanz v. Vernick
750 F. Supp. 39 (D. Mass. 1990), 1309

Glatz v. Glatz
390 S.E.2d 763 (N.C. Ct. App. 1990), 388

Glinsky, *In re* [46,099]
(SSA, Office of Hearings & App., June 29, 1990), 857

Glover v. Crestwood Lake Section 1 Holding Corp.
746 F. Supp. 301 (S.D.N.Y. 1990), 1197

Glover v. Johnson [44,864]
No. 1:89-CV-1369-JTC (N.D. Ga. July 9, 1990), 1163

Goetz v. Crosson
728 F. Supp. 995 (S.D.N.Y. 1990), 64

Goff v. Sullivan
739 F. Supp. 494 (D.S.D. 1990), 746

Goldberg v. Kizer [46,172]
No. BS002574 (Cal. Super. Ct., Los Angeles County, Oct. 21, 1990), 1164

Golden v. Secretary of HHS
740 F. Supp. 955 (W.D.N.Y. 1990), 879

Goldome Credit Corp. v. Houston [45,899]
No. 89AP-1079 (Ohio Ct. App. July 10, 1990), 729

Goldsmith v. Arkansas Dep't of Human Servs.
787 S.W.2d 675 (Ark. 1990), 751

Gonzalez v. Department of Health & Rehabilitative Servs. [45,584]
558 So. 2d 32 (Fla. Dist. Ct. App. 1989), 151

Gonzalez v. Sullivan
914 F.2d 1197 (9th Cir. 1990), 1202

Goodwin v. Board of Review of W. Va. Dep't of Employment Sec. [46,102]
No. 89-AA-100 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 859

Goodwin v. Phelps [46,334]
No. 91-CV-177 (Wis. Cir. Ct., Dane County, Feb. 1, 1991), 1389

Graham v. Montoya Assocs. [46,295]
No. B-90-491 WWE (D. Conn. Dec. 27, 1990), 1290

Grand Jury Subpoena Dated Nov. 14, 1989, *In re*
728 F. Supp. 368 (W.D. Pa. 1990), 61

Grant v. Board of Review of Ill. Dep't of Employment Sec.
558 N.E.2d 438 (Ill. App. Ct. 1990), 880

Grant v. General Motors Corp.
908 F.2d 1303 (6th Cir. 1990); 743 F. Supp. 1260 (N.D. Ohio 1989), 872, 1194

Grant v. Sullivan [44,741]
No. 3:CV-88-0921 (M.D. Pa. Feb. 21, 1990); No. 3:CV-88-0921 (M.D. Pa. July 9, 1990); No. 3:CV-88-0921 (M.D. Pa. Nov. 5, 1990), 33, 583, 1146

Gray v. HUD [45,473]
No. 89-CV-71860-DT (E.D. Mich. Nov. 7, 1990), 1168

Gray Panthers Advocacy Comm. v. Sullivan [40,913], 134

Greeley v. Miami Valley Maintenance Contractors, Inc.
551 N.E.2d 981 (Ohio 1990), 274

Green v. Jenkins & Wynne Ford Motor Co. [45,572], 129

Greene v. District of Columbia Dep't of Corrections [45,801]
No. 88-00940 (D.C. Cir. Apr. 9, 1990), 583

Greenspan, Estate of, *In re* [45,086]
558 N.E.2d 1194 (Ill. 1990), 1196

Greenway v. Johnson [43,714]
No. 88-2-00656-1 (Wash. Super. Ct., Thurston County, July 26, 1990), 605

Gregory v. Depte
896 F.2d 31 (3d Cir. 1990), 155

Grenier, *In re* [46,039]
No. 32266250A (Me. Dep't of Human Servs. June 25, 1990), 745

Grider v. Administrator, Dep't of Employment Sec.
564 So. 2d 751 (La. Ct. App. 1990), 880

Grider v. Cavazos [45,214]
911 F.2d 1158 (5th Cir. 1990), 838

Griffin v. Coughlin
743 F. Supp. 1006 (N.D.N.Y. 1990), 1200

Griffin v. Federal Land Bank of Wichita [44,927]
902 F.2d 22 (10th Cir. 1990), 854

Griffin Sys. v. Ohio Dep't of Ins. [45,771]
No. 89AP-608 (Ohio Ct. App. June 14, 1990), 1154

Griffith v. Johnston [44,036]
899 F.2d 1427 (5th Cir. 1990), 387

Griggs-Ryan v. Smith
904 F.2d 112 (1st Cir. 1990), 626

Grigsby v. Thorp Consumer Discount (*In re* Grigsby) [46,176]
No. 90-10990S (Bankr. E.D. Pa. Oct. 3, 1990), 1153

Groover v. Unemployment Compensation Bd. of Review
579 A.2d 1017 (Pa. Commw. Ct. 1990), 1204

Gross v. Iowa
460 N.W.2d 882 (Iowa Ct. App. 1990), 1201

Guam Dep't of Pub. Health & Social Servs. v. DeLeon Guerrero [45,734]
No. 89-644 (N. Mar. I. Super. Ct., May 3, 1990), 365

Guidelines for Child Support Enforcement, *In re*
784 S.W.2d 589 (Ark. 1990), 387

Gullett v. Pontiac Consol. School Dist. No. 429 [46,061]
No. 87 CH 20 (Ill. Cir. Ct., Livingston County, June 6, 1990), 839

Gunter v. Oklahoma [46,224], 1173

Gutierrez v. Bowen
898 F.2d 307 (2d Cir. 1990), 276

Gutierrez v. Railroad Retirement Bd.
918 F.2d 567 (6th Cir. 1990), 1308

Gutierrez v. Sullivan
734 F. Supp. 969 (D. Utah 1990), 616

Guy v. Sullivan
736 F. Supp. 1255 (W.D.N.Y. 1990), 630

Guyton v. City of Alameda [44,257]
No. 646480-8 (Cal. Super. Ct., Alameda County, Feb. 28, 1990); No. 646480-8 (Cal. Super. Ct., Alameda County, May 3, 1990), 127, 373

Guzman v. Warda [46,305]
No. 90-CV-2166(2) (Mich. Dist. Ct., Saginaw County, Dec. 21, 1990), 1295

Gwendolyn, Adoption of, *In re*
558 N.E.2d 10 (Mass. App. Ct. 1990), 876

—H—

H., *In re* [46,017]
(SSA, Office of Hearings & App., Aug. 14, 1990), 727

H. v. Johnson [45,092]
No. 88 C 5599 (N.D. Ill. Aug. 31, 1990), 1148, 1294

H. v. Tirozzi
735 F. Supp. 53 (D. Conn. 1990), 623

H., C.K., *In re*
458 N.W.2d 303 (N.D. 1990), 875

H., F.E., Guardianship of, *In re*
453 N.W.2d 882 (Wis. 1990), 391

H., K., *In re*
580 A.2d 48 (Vt. 1990), 1311

H., K. v. Morgan [43,232]
914 F.2d 846 (7th Cir. 1990), 1197

H., Lester v. Gilhool
916 F.2d 865 (3d Cir. 1990), 1195

H., N., *In re*
569 A.2d 1179 (D.C. 1990), 156

H., S., *In re*
796 S.W.2d 71 (Mo. Ct. App. 1990), 1191

H., V., *In re*
554 N.E.2d 686 (Ill. App. Ct. 1990), 626

Halderman v. Pennhurst State School & Hosp. [12,902]
901 F.2d 311 (3d Cir. 1990), 617

Hale v. Basin Motor Co.
795 P.2d 1006 (N.M. 1990), 1189, 1393

Hall v. Iowa Dep't of Human Servs.
455 N.W.2d 278 (Iowa Ct. App. 1990), 632

Hall v. Kelsey-Hayes Co.
457 N.W.2d 143 (Mich. Ct. App. 1990), 749

Hall v. Vermont Dep't of Social Welfare
572 A.2d 1342 (Vt. 1990), 622

Hamilton v. Air Jamaica, Ltd.
750 F. Supp. 1259 (E.D. Pa. 1990), 1397

Hammock v. Bencini [46,027]
391 S.E.2d 210 (N.C. Ct. App. 1990), 717

Hammond v. Commonwealth of Pa., Unemployment Compensation Bd. of Review
569 A.2d 1013 (Pa. Commw. Ct. 1990), 163

Hammond v. MacMahon [45,847], 613

Hampton v. Tinder
732 F. Supp. 43 (S.D. W. Va. 1989), 271

Hanlon v. Barton
740 F. Supp. 1446 (D. Ala. 1988), 873

Hannum, Marriage of, *In re*
796 P.2d 57 (Colo. Ct. App. 1990), 1191

Hanratty v. Philadelphia Elec. Co.
907 F.2d 1418 (3d Cir. 1990), 867

Hanscom v. Sullivan [46,259]
No. 90-0145 B (D. Me. Oct. 24, 1990), 1299

Hanson v. McGowan
555 N.E.2d 80 (Ill. App. Ct. 1990), 626

Hanthorn v. Hanthorn
460 N.W.2d 650 (Neb. 1990), 1190

Hardman v. Cain [46,266]
No. 89AP-1098 (Ohio Ct. App. Dec. 4, 1990), 1293

Hardy v. Griffin [46,032]
569 A.2d 49 (Conn. Super. Ct. 1989), 160, 730

Harney v. Meadowbrook Nursing Center
784 S.W.2d 921 (Tenn. 1990), 274

Harper v. Harper
559 So. 2d 9 (La. Ct. App. 1990), 388

Harper v. School Admin. Dist. No. 37
727 F. Supp. 688 (D. Me. 1989), 63

Harriman v. Commissioner, Me. Dep't of Human Servs. [45,835], 591

Harris v. Contra Costa County [46,367]
No. C90-03960 (Cal. Super. Ct., Contra Costa County, Feb. 5, 1991), 1380

Harris v. Evans
920 F.2d 864 (11th Cir. 1991), 1400

Harris v. Ohio Bureau of Employment Serv.
553 N.E.2d 1350 (Ohio 1990), 631

Harris v. P.S. Mortgage & Inv. Corp. [45,527]
558 So. 2d 430 (Fla. Dist. Ct. App. 1990), 35

Harris v. Thigpen
727 F. Supp. 1564 (M.D. Ala. 1990), 64

Harrison v. Alaska
784 P.2d 681 (Alaska Ct. App. 1989), 64

Harrison v. Dahm
911 F.2d 37 (8th Cir. 1990), 1200

Harrison v. Secretary of HHS [46,377], 1388

Hartford Homes v. Cruz [45,718]
No. SPH 8908-51617 (Conn. Super. Ct., Hartford/New Britain Jud. Dist., May 9, 1990), 373

Hartley, *In re* [45,837]
No. 236-84-471A (Me. Dep't of Human Servs. Jan. 29, 1990), 615

Hartman v. Winnebago County, Wis. [46,157]
No. 90-CV-1083 (Wis. Cir. Ct., Winnebago County, Nov. 20, 1990), 1186

Harwood v. Johnson [44,643]
388 S.E.2d 439 (N.C. 1990), 161

Hastalis v. Illinois Human Rights Comm'n
562 N.E.2d 1272 (Ill. App. Ct. 1990), 1309

Hatala, *In re*
558 N.E.2d 694 (Ill. App. Ct. 1990), 877

Hatcher v. Secretary of HHS
898 F.2d 21 (4th Cir. 1989), 276

Hatori v. Haga
751 F. Supp. 1401 (D. Haw. 1989), 1400

Hatten-Gonzales v. Valdez [46,043]
No. CIV 88-0385 JC (D.N.M. Aug. 29, 1990), 861

Hawkins v. Director, Office of Workers' Compensation Programs [45,987]
907 F.2d 697 (7th Cir. 1990), 720

Hawkins v. Kemp [45,485]
No. CV 90-0-55 (D. Neb. Aug. 31, 1990), 1168

Hayes v. Community Gen. Osteopathic Hosp.
730 F. Supp. 1333 (M.D. Pa. 1990), 274

Haynes v. Manning
917 F.2d 450 (10th Cir. 1990), 1305

Hays v. Johnson
566 So. 2d 260 (Fla. Dist. Ct. App. 1990), 1187

Hearn v. Turnage
747 F. Supp. 1318 (E.D. Wis. 1990), 1308

Heath v. Schimke [46,053], 844

Hebert v. Aetna Indus., Inc.
451 N.W.2d 527 (Mich. Ct. App. 1989), 158

Heigh v. Department of Human Resources [45,986]
No. 1179 (Md. Ct. Spec. Apps. Apr. 25, 1990), 742

Helson v. Housing Auth. of Bowling Green [46,359], 1381

Hemauer v. ITT Fin. Servs. [45,761]
751 F. Supp. 1241 (W.D. Ky. 1990), 712

Hemetek v. Standish (*In re* Bush) [44,839]
No. 89-20949 (Bankr. S.D. W. Va. Feb. 8, 1990); No. 89-20949 Chapter 7 (Bankr. S.D. W. Va. Mar. 1990), 126, 833

Henne v. Wright
904 F.2d 1208 (8th Cir. 1990), 618

Henry S. Miller Management Corp. v. Houston State Assocs.
792 S.W.2d 128 (Tex. Ct. App. 1990), 877

Henry v. Ryan [46,341], 1371

Hensman v. Parsons
458 N.W.2d 199 (Neb. 1990), 869

Heritage Hills, Ltd. v. Deacon [44,664]
551 N.E.2d 125 (Ohio 1990), 275

Hernandez v. Cremer [44,584]
913 F.2d 230 (5th Cir. 1990), 1197

Herr v. Sullivan
912 F.2d 178 (7th Cir. 1990), 1201

Herrera v. Adult & Family Servs. Div.
794 P.2d 443 (Or. Ct. App. 1990), 881

Hewitt, Marriage of, *In re*
791 P.2d 444 (Mont. 1990), 748

Hicks v. Baylor Univ. Medical Center
789 S.W.2d 299 (Tex. Ct. App. 1990), 622

Hicks v. Hicks
798 S.W.2d 524 (Mo. Ct. App. 1990), 1396

Higgins v. Hood [46,143], 1157

Highgate Assocs. v. Merryfield [45,382], 603

Hightower v. Duffy
548 N.E.2d 495 (Ill. App. Ct. 1989), 65

Highway Drivers, Local 710 v. Ward
559 N.E.2d 158 (Ill. App. Ct. 1990), 1203

Hill v. Federal Employees Credit Union
386 S.E.2d 874 (Ga. Ct. App. 1989), 62

Hill v. John Chezik Imports
797 S.W.2d 528 (Mo. Ct. App. 1990), 1308

Hill v. Richardson [44,294]
740 F. Supp. 1393 (S.D. Ind. 1990), 596

Hill v. Sullivan [45,596], 145

Hines v. Board of Parole
567 A.2d 909 (D.C. 1989), 64

Hinrichs v. Goodrich [45,544]
753 F. Supp. 261 (W.D. Wis. 1990), 58, 1282

Hinton v. Sullivan
737 F. Supp. 232 (S.D.N.Y. 1990), 630

Hodge v. Prince
730 F. Supp. 747 (N.D. Tex. 1990), 271

Hodge v. Ruperto
739 F. Supp. 873 (S.D.N.Y. 1990), 878

Hoffman v. City of Warwick
909 F.2d 608 (1st Cir. 1990), 881

Hoffman v. Otwell [43,637]
No. 88 C 4163 (N.D. Ill. Mar. 7, 1990), 144

Hogard v. Sullivan
733 F. Supp. 1465 (M.D. Fla. 1990), 629

Holford v. Powers (*In re* Holford)
896 F.2d 176 (5th Cir. 1990), 155

Holland, *Ex parte*
790 S.W.2d 568 (Tex. 1989), 748

Holloway v. Hamilton [45,497]
No. 88 2 02815 7 (Wash. Super. Ct., Thurston County, Oct. 23, 1989), 49

Hollywood Park Assocs. v. Diaz [45,604]
No. 90-SP-0078-S (Mass. Trial Ct., Hampden County, Mar. 1, 1990), 143

Hollywood Park Assocs. v. Morales [45,599]
No. 89-SP-1176-S (Mass. Trial Ct., Hampden County, Mar. 1, 1990), 142

Holmes v. Berg
560 So. 2d 500 (La. Ct. App. 1990), 631

Holmes v. Perales [45,783], 383

Holmes v. Robinson
578 A.2d 294 (Md. Ct. Spec. App. 1990), 878

Holmes v. Telecredit Serv. [45,712]
736 F. Supp. 1289 (D. Del. 1990), 360

Holstein v. North Chem. Co.
390 S.E.2d 910 (Ga. Ct. App. 1990), 631

Honeywell v. Sterling Furniture Co.
797 P.2d 1019 (Or. 1990), 1189

Hooper v. Sullivan [28,898]
No. H-80-99 (PCD) (D. Conn. Dec. 15, 1989), 31

Hoops v. United Tel. Co.
553 N.E.2d 252 (Ohio 1990), 389

Hopkins v. Price Waterhouse
737 F. Supp. 1202 (D.D.C. 1990), 749

Hopper v. Hopper
559 So. 2d 403 (Fla. Dist. Ct. App. 1990), 619

Horan, *In re* [46,214]
(SSA, Office of Hearings & App., Nov. 27, 1990), 1179

Horn v. Davis Elec. Constructors, Inc.
395 S.E.2d 724 (S.C. Ct. App. 1990), 1308

Hough v. Hough
794 S.W.2d 252 (Mo. Ct. App. 1990), 1191

Housing Auth. v. Terry
789 P.2d 745 (Wash. 1990), 390

Housing Auth. of Atlanta v. Warner [45,522]
No. 89E00046919 (Ga. Magistrate Ct., Fulton County, Feb. 21, 1990), 45

Housing Auth. of Danville v. Newsome [45,536]
No. 89-LM-175 (Ill. Cir. Ct., Vermilion County, Feb. 28, 1990), 46

Housing Auth. of Decatur, Ga. v. Hawk [45,654]
No. 90D 008839 (Ga. State Ct., Dekalb County, Apr. 17, 1990), 260

Housing Auth. of Jersey City v. Jackson
749 F. Supp. 622 (D.N.J. 1990), 1310

Housing Auth. of Los Angeles v. Vargas
[45,968], 729

Housing Auth. of Seminole Nation v. Harjo
[45,731]
790 P.2d 1098 (Okla. 1990), 377

Houston v. Duffy [45,621]
No. 87-MR-35 (Ill. Cir. Ct., Macon County, Oct. 18, 1989), 152

Houston v. Sullivan
895 F.2d 1012 (5th Cir. 1989), 162

Houston v. Sullivan
917 F.2d 194 (5th Cir. 1990), 1304

Hovden, Marriage of, *In re*
802 P.2d 89 (Or. Ct. App. 1990), 1396

Howard v. City of Garland
917 F.2d 898 (5th Cir. 1990), 1305

Howard v. Vermont Dep't of Employment & Training
572 A.2d 931 (Vt. 1990), 631

Howard Gault Co. v. Texas Rural Legal Aid
[43,623]
No. CA-2-80-0127 (N.D. Tex. July 27, 1990), 709

Howe v. Ellenbecker [45,531], 36

Howell v. City of Catoosa
729 F. Supp. 1308 (N.D. Okla. 1990), 157

Howell v. Waterford Pub. Schools
731 F. Supp. 1314 (E.D. Mich. 1990), 275

Huderson v. HUD [45,100]
737 F. Supp. 20 (E.D. Pa. 1989), 616

Hudman v. Kizer [44,915]
No. 362172 (Cal. Super. Ct., Sacramento County, Mar. 5, 1990), 135

Hull v. Bowen
748 F. Supp. 514 (N.D. Ohio 1990), 1304

Hunt v. Kizer [44,761]
No. 90-15086 (9th Cir. July 9, 1990), 721, 842

Huntington Branch NAACP v. Town of Huntington
749 F. Supp. 62 (E.D.N.Y. 1990), 1304

Hurst v. United States Dep't of Educ.
901 F.2d 836 (10th Cir. 1990), 621

Huskey v. Asmann [45,814]
No. 168 (Tenn. Ct. App. May 3, 1990), 603

Hussion v. Yeutter [41,616]
741 F.2d 1563 (N.D. Ga. 1990), 834

Hy-Vee Food Stores v. Iowa Civil Rights Comm'n
453 N.W.2d 512 (Iowa 1990), 389

Hyatt v. Sullivan [35,159]
899 F.2d 329 (4th Cir. 1990), 392

—I—

Ibarra v. Housing Auth. of Corpus Christi
791 S.W.2d 224 (Tex. Ct. App. 1990), 750

Idol v. Little
396 S.E.2d 632 (N.C. Ct. App. 1990), 1197

IHC Hosps., Inc. v. Board of Comm'rs of Bonneville County
786 P.2d 600 (Idaho Ct. App. 1990), 159

Illinois Hous. Dev. Auth. v. Kemp [45,657], 257

Illinois v. Adams [46,213], 1150, 1283

Illinois v. St. John [46,371], 1372

Illinois v. Valentine
558 N.E.2d 807 (Ill. App. Ct. 1990), 877

In-Home Health Care Servs., *In re* [43,334]
(SSA, Office of Hearings & App., July 26, 1990), 846

Independent School Dist. 623, Roseville, Minn. v. Digre
893 F.2d 987 (8th Cir. 1990), 154

Independent School Dist. No. 1 v. Logan
789 P.2d 636 (Okla. Ct. App. 1989), 393

Indiana State Bar Ass'n's Petition to Authorize Program Governing Interest on Lawyers' Trust Accounts, *In re*
550 N.E.2d 311 (Ind. 1990), 154

Inmates of Allegheny County Jail v. Wecht
[21,698]
901 F.2d 1191 (3d Cir. 1990), 627

Intercommunity Center for Justice & Peace v. INS
910 F.2d 42 (2d Cir. 1990), 868

International Union, UAW v. Dole [44,447]
No. 89-1922 (6th Cir. Aug. 21, 1990), 857

Iowa Dep't of Human Servs. v. Pierce
460 N.W.2d 467 (Iowa 1990), 1204

Iron Eyes v. Henry
907 F.2d 810 (8th Cir. 1990), 878

Irvin v. Nelson [46,003]
(La. Dep't of Social Servs., Office of Eligibility Determination, Aug. 8, 1990); (La. Dep't of Social Servs., Office of Eligibility Determination, Oct. 29, 1990), 727, 1166

Island Creek Coal Co. v. Honaker
388 S.E.2d 271 (Va. Ct. App. 1990), 159

Isom, *In re*
901 F.2d 744 (9th Cir. 1990), 617

Ivy v. Sullivan
898 F.2d 1045 (5th Cir. 1990), 392

—J—

J. v. Jones [31,293]
No. 3-74-0394-H (N.D. Tex. Feb. 20, 1990), 125

J., Barbara, *In re*
574 A.2d 203 (Conn. 1990), 625

J. Roderick MacArthur Found. v. FBI [46,221], 1150

Jackson v. Artison [45,972]
No. 88-C-0064 (E.D. Wis. July 19, 1990), 735

Jackson v. Central Tex. Hous. Assistance Programs [46,268], 1292

Jackson v. GTE Directories Serv. Corp.
734 F. Supp. 258 (N.D. Tex. 1990), 622

Jackson v. McCleod
748 F. Supp. 831 (S.D. Ala. 1990), 1308

Jackson v. Mowery
743 F. Supp. 600 (N.D. Ind. 1990), 1200

Jackson v. Rapps
746 F. Supp. 934 (W.D. Mo. 1990), 1189

Jacobson v. McMahon [46,056], 863

James, *In re*
556 N.E.2d 839 (Ill. App. Ct. 1990), 877

James v. D'Elia [46,142], 1149

James v. Jordan [46,171]
No. 90-5677-40 (Fla. Cir. Ct., Pinellas County, Oct. 26, 1990), 1176

James v. St. Petersburg, Fla. [46,180]
No. 90-1345-Civ-T-10(C) (M.D. Fla. Oct. 25, 1990), 1176

Jaramillo v. Hawaii Hous. Auth. [45,681]
No. 89-0261(3) (Hawaii Cir. Ct., Maui County, Jan. 17, 1990), 261

Jedlicka v. Baltimore County, Md. [45,732]
No. 90-CSP-1296 (Md. Cir. Ct., Baltimore County, Apr. 30, 1990), 373

Jefferson, *In re* [45,733]
No. A-33/#56081 (Wis. Dep't of Health & Social Servs. Apr. 9, 1990), 384

Jenkins v. Sullivan
906 F.2d 107 (4th Cir. 1990), 753

Jensen v. Ray Kim Ford, Inc.
920 F.2d 3 (7th Cir. 1990), 1393

Jensen v. Thompson [46,009], 742

Jerome v. Jerome
568 So. 2d 540 (Fla. App. Ct. 1990), 1395

Jew v. University of Iowa
749 F. Supp. 946 (S.D. Iowa 1990), 1308

Jewell v. County of Nassau
917 F.2d 736 (2d Cir. 1990), 1305

Jiggetts v. Grinker [43,124]
75 N.Y.2d 411, 553 N.E.2d 570 (1990), 151

Jindo v. Carnegie [41,130]
No. 85-30716-AW (Mich. Cir. Ct., Washtenaw County, Mar. 15, 1990), 136

Johnides v. St. Lawrence Hosp.
457 N.W.2d 123 (Mich. Ct. App. 1990), 755

Johnson, *In re*
904 F.2d 563 (10th Cir. 1990), 617

Johnson v. Bowen
735 F. Supp. 329 (E.D. Mo. 1990), 616

Johnson v. Delchamps, Inc.
897 F.2d 808 (5th Cir. 1990), 273

Johnson v. Department of Pub. Aid
548 N.E.2d 396 (Ill. App. Ct. 1989), 64

Johnson v. Employment Div.
799 P.2d 682 (Or. Ct. App. 1990), 1402

Johnson v. Herrington [45,637], 247

Johnson v. Hogan [45,556]
No. 87-2420 (C.D. Ill. Feb. 26, 1990), 128

Johnson v. HUD [44,243]
742 F. Supp. 1055 (E.D. Mo. 1990), rev'd and remanded, 911 F.2d 1302 (8th Cir. 1990), 1166

Johnson v. Hurley [45,973]
No. 90-129-GC (Mich. Dist. Ct., Tuscola County, July 10, 1990), 735

Johnson v. Ladner
563 So. 2d 1368 (Miss. 1990), 869

Johnson v. MacMahon [45,845]
No. 108711 (Cal. Super. Ct., Solano County, June 6, 1990), 613

Johnson v. McMahon [45,626]
No. 22988 (Cal. Super. Ct., Glenn County, Feb. 27, 1990), 152

Johnson v. Mesa, Ariz. [46,077], 837

Johnson v. O'Neil
461 N.W.2d 507 (Minn. App. Ct. 1990), 1307

Johnson v. Orr
897 F.2d 126 (3d Cir. 1990), 270

Johnson v. Sullivan
894 F.2d 683 (5th Cir. 1990), 162

Johnson v. Sullivan
740 F. Supp. 627 (E.D. Ark. 1990), 879

Johnson v. Sullivan
749 F. Supp. 664 (E.D. Pa. 1990), 1313

Johnson v. Sullivan [45,624]
919 F.2d 503 (8th Cir. 1990), 124, 1145

Johnson-El v. District of Columbia
579 A.2d 163 (D.C. 1990), 1200

Johnston v. Iowa Dep't of Human Servs. [46,117]
No. 88-1505 B (S.D. Iowa June 11, 1990), 1181

Johnston v. Johnston
553 N.E.2d 93 (Ill. App. Ct. 1990), 387

Jones v. Jones [45,782]
No. 71,994 (Okla. Ct. App. May 22, 1990, 364

Jones v. Milwaukee County [44,197]
No. 88-CV-19408 (Wis. Cir. Ct., Milwaukee County, May 2, 1990), 615

Jones v. Rivers
732 F. Supp. 176 (D.D.C. 1990), 388

Jones v. Roberts
559 So. 2d 429 (Fla. Dist. Ct. App. 1990), 619

Jones v. Sullivan [44,307]
No. 87-C-7419 (N.D. Ill. Jan. 31, 1990), 378

Jones v. Yeutter [44,523]
No. 89-0768 WDK (JRx) (C.D. Cal. Feb. 1, 1990), 38

Jongquist, *In re*
460 N.W.2d 915 (Minn. Ct. App. 1990), 1196

Jordan, *In re*
914 F.2d 197 (9th Cir. 1990), 1188

Jordan v. Cincinnati Metro. Hous. Auth. [45,588]
No. C-1-87-0856 (S.D. Ohio Mar. 16, 1990), 137

Jordan v. Kent Recovery Servs., Inc.
731 F. Supp. 652 (D. Del. 1990), 271

Joy W. Manor Apartments v. Holley [45,662]
No. 107728 (Mich. Ct. App. Apr. 18, 1990), 260

Jurgens v. Equal Employment Opportunity Comm'n
903 F.2d 386 (5th Cir. 1990), 621

—K—

K. v. K.
575 A.2d 883 (N.J. Super. Ct. App. Div. 1990), 749

Kansas v. Rupert
787 P.2d 300 (Kan. Ct. App. 1990), 386

Kansas Sec'y of Social & Rehabilitation Serv. v. Clear
794 P.2d 327 (Kan. Ct. App. 1990), 876

Kantak v. Board of Educ., Liverpool Cent. School Dist. [45,619]
No. 90-CV-4 (N.D.N.Y. Mar. 30, 1990), 133

Kaplon v. Harris
552 N.E.2d 528 (Ind. Ct. App. 1990), 387

Karypis v. Karypis
458 N.W.2d 129 (Minn. Ct. App. 1990), 871

Kaw v. Commissioner, Me. Dep't of Human Servs. [45,849], 591

Kawa v. Pennsylvania Unemployment Compensation Bd. of Review
573 A.2d 252 (Pa. Commw. Ct. 1990), 631

Kaywood v. Halifax County Dep't of Social Servs.
394 S.E.2d 492 (Va. Ct. App. 1990), 876

Kelley v. Commissioner, Me. Dep't of Human Servs. [46,018]
No. CV-90-208 (Me. Super. Ct., Kennebec County, Oct. 11, 1990), 744, 1185

Kelley v. Hyde [46,322], 1379

Kelley v. McGinnis
899 F.2d 612 (7th Cir. 1990), 391

Kemp v. Perales [46,019], 730

Kemph v. Nolan
566 So. 2d 408 (La. Ct. App. 1990), 1191

Kempson v. North Carolina Dep't of Human Resources
397 S.E.2d 314 (N.C. Ct. App. 1990), 1310

Kendal v. Cason
791 P.2d 1227 (Colo. Ct. App. 1990), 618

Kendzierski v. Goodson [43,188]
21 Conn. App. 424 (1990), 372

Kenig, *In re* [45,990]
(SSA, Office of Hearings & App., May 14, 1990), 727

Kennedy v. Kennedy
559 So. 2d 713 (Fla. Dist. Ct. App. 1990), 748

Kennedy v. Sullivan [45,512], 55

Kentucky Fin. v. Close [46,182]
No. 89-C-023 (Ky. Dist. Ct., Whitley County, July 23, 1990), 1155

Kerns v. Southern
397 S.E.2d 651 (N.C. Ct. App. 1990), 1307

Kerr Center Parents Assoc. v. Charles
897 F.2d 1463 (9th Cir. 1990), 274

Kessler v. Equity Management, Inc.
572 A.2d 1144 (Md. Ct. App. 1990), 622

Keyes v. School Dist. No. 1 [14,299]
895 F.2d 659 (10th Cir. 1990), 157

Keyhea v. Rushen [29,256]
No. 67432 (Cal. Super. Ct., Solano County, Sept. 12, 1990), 833

Kim v. Kim
563 So. 2d 529 (La. Ct. App. 1990), 871

Kimble v. Hayes [45,623]
No. 89-2644 (E.D. Pa. Mar. 1, 1990), 132

Kingston Square Tenants Ass'n v. HUD [45,118]
No. 88-6957-Civ-Paine (S.D. Fla. Oct. 19, 1989), 256

Kinney v. Sullivan
746 F. Supp. 1067 (W.D. Okla. 1990), 1203

Kipp v. Rawson
388 S.E.2d 409 (Ga. Ct. App. 1989), 156

Kipphut v. Secretary of HHS [45,519]
No. CIV-88-607A (W.D.N.Y. Jan. 29, 1990), 40

Kirby v. Sprouls [44,387]
No. 88 C 2245 (7th Cir. Oct. 1, 1990), 584, 1150

Kirk v. Kirk
577 A.2d 976 (R.I. 1990), 869

Kirkham v. Hansen [46,217], 1174

Kizer v. Sullivan [45,649], 251

Klose v. Klose
793 P.2d 1311 (Mont. 1990), 869

Knagge v. Sullivan
735 F. Supp. 411 (M.D. Fla. 1990), 616

Knarr v. Unemployment Compensation Bd. of Review
579 A.2d 464 (Pa. Commw. Ct. 1990), 1204

Knox v. Secretary of Dep't of Pub. Welfare
573 A.2d 261 (Pa. Commw. Ct. 1990), 622

Kolker v. Duke City Collection Agency [45,910]
750 F. Supp. 468 (D.N.M. 1990), 1306

Koolstra v. Sullivan
744 F. Supp. 243 (D. Colo. 1990), 1202

Koster v. Perales [38,504]
903 F.2d 131 (2d Cir. 1990), 357

Kouril v. Bowen
912 F.2d 971 (8th Cir. 1990), 1201

Kramer v. New Mexico Human Servs. Dep't [46,201]
No. 12725 (N.M. Ct. App. Dec. 12, 1990), 1184, 1302

Krawczyszyn v. Ohio Bureau of Employment Servs.
560 N.E.2d 807 (Ohio Ct. App. 1989), 1314

Kronquist v. Goodrich [45,344]
No. 89-C-1376 (E.D. Wis. July 10, 1990), 612, 1388

Krueckeberg v. Arlington Park Racetrack [46,339], 1373

Krug v. Imbordino
896 F.2d 395 (9th Cir. 1990), 156

Kula v. Iowa Dist. Court for Linn County
462 N.W.2d 721 (Iowa Ct. App. 1990), 1395

Kunstler v. Britt
914 F.2d 505 (4th Cir. 1990), 1188

Kupona Network v. Chicago Transit Auth. [46,369], 1371

—L—

L., *In re* [45,670], 262

L. v. Adams [45,569]
No. 3:88-0924 (M.D. Tenn. Feb. 28, 1990), 140

L. v. SSA [45,956], 737

L., B., *In re*
397 S.E.2d 156 (Ga. Ct. App. 1990), 1399

L., D. v. D.L.
798 S.W.2d 220 (Mo. Ct. App. 1990), 1399

L., G. v. Zumwalt [20,937]
731 F. Supp. 365 (W.D. Mo. 1990), 277

L., L. *In re*
459 N.W.2d 489 (Iowa 1990), 1190

L., Marcia, *In re*
785 P.2d 1039 (N.M. Ct. App. 1989), 156

La Plaza Defense League v. Kemp
742 F. Supp. 792 (S.D.N.Y. 1990), 1197

Lab, *In re* [46,087]
(SSA, Office of Hearings & Appeals, Sept. 20, 1990), 857

LaBrie v. Sullivan [46,031]
No. 88-0255 B (D. Me. Dec. 8, 1989), 738

Lacheta v. Hall [46,203]
No. 8-90-CVG-494 (New Philadelphia, Ohio, Mun. Ct. Oct. 22, 1990); No. 90-CV-090286 (Ohio Ct. C.P., Tuscarawas County, Dec. 10, 1990), 1149, 1283

Lakeway Land Co. v. Kizer
796 S.W.2d 820 (Tex. Ct. App. 1990), 1397

Lapeer County Dep't of Social Servs. v. Harris
453 N.W.2d 272 (Mich. Ct. App. 1990), 388

LaPorta v. Bowen
737 F. Supp. 180 (N.D.N.Y. 1990), 630

Laracuente v. Chase Manhattan Bank
891 F.2d 17 (1st Cir. 1989), 61

Larry v. Yamauchi [45,867]
753 F. Supp. 784 (E.D. Ark. 1990), 719, 1376

Larsen v. NMU Pension Trust
902 F.2d 1069 (2d Cir. 1990), 628

Larson v. Dunn
460 N.W.2d 39 (Minn. 1990), 1190

Lavery v. Marsh
727 F. Supp. 728 (D. Mass. 1989), 62

Lawyer v. Valdez [46,042]
No. CIV 88-0620 JC (D.N.M. Aug. 17, 1990), 861

League of United Latin Am. Citizens v. Florida Bd. of Educ. [46,028]
No. 90-1913 Civ. Scott (S.D. Fla. Aug. 14, 1990), 718

Lebron v. Sullivan [46,179]
No. 90-1135 (E.D. Pa. Oct. 2, 1990), 1178

Leckelt v. Board of Comm'rs of Hosp. Dist. No. 1.
909 F.2d 820 (5th Cir. 1990), 874

Ledesma v. Great Outdoor Am. Adventure [46,366], 1373

Lee, *In re*
560 So. 2d 1084 (Ala. Civ. App. 1990), 752

Lee v. Yeutter
917 F.2d 1104 (8th Cir. 1990), 1312

LeFeber, *In re*
906 F.2d 330 (7th Cir. 1990), 746

LeFever v. Perales [46,368]
No. 90-5595 (N.Y. Sup. Ct., Onondaga County, Dec. 21, 1990), 1385

Legal Assistance to Medicare Patients v. Connecticut Dep't of Income Maintenance [46,071], 845

Lenz v. National Labor Relations Bd.
915 F.2d 388 (8th Cir. 1990), 1189

Le Verrier v. Perales [46,052]
No. 10046/88 (N.Y. Sup. Ct., Erie County, May 26, 1989), 844

Lewelling v. Lewelling [46,092]
796 S.W.2d 164 (Tex. Sup. Ct. 1990), 836

Lewis v. City of Ft. Collins
903 F.2d 752 (10th Cir. 1990), 621

Lewis v. Fulwood
569 A.2d 594 (D.C. 1990), 156

Lewis v. Society Nat'l Bank [46,066]
No. 90-1355 (Ohio Ct. C.P., Stark County, Aug. 31, 1990), 835

Lidy v. Sullivan
911 F.2d 1075 (5th Cir. 1990), 1201

Lifgren v. Yeutter [46,251], 1291

Lincoln County Fiscal Court v. Department of Pub. Advocacy, Commonwealth of Ky.
794 S.W.2d 162 (Ky. 1990), 1199

Lincoln Nat'l Bank & Trust Co. of Ft. Wayne v. Jones [45,666], 246

Lindner v. Sullivan
902 F.2d 1263 (7th Cir. 1990), 628

Lindstrom, *In re* [46,029]
No. 84399830A (Me. Dep't of Human Servs. June 15, 1990), 745

Linton v. Carney [42,967]
See Linton v. Commissioner of Health & Env't of Tenn.

Linton v. Commissioner of Health & Env't of Tenn. [42,967]
No. 3-87-0941 (M.D. Tenn. Apr. 20, 1990); (M.D. Tenn. July 5, 1990), 254, 725

Liscio v. Woodland Hills School Dist.
734 F. Supp. 689 (W.D. Pa. 1989), 623

Little v. Coler
557 So. 2d 157 (Fla. Dist. Ct. App. 1990), 277

Little v. Coler [46,022], 840

Little v. World Fin. Network [45,766]
No. N-89-346 (TFGD) (D. Conn. July 15, 1990), 1151

Little Rock School Dist. v. Pulaski County Special School Dist.
726 F. Supp. 1544 (E.D. Ark. 1989), 61

Locascio v. City of St. Petersburg
731 F. Supp. 1522 (M.D. Fla. 1990), 274

Long, *In re*
561 N.E.2d 290 (Ill. App. Ct. 1990), 1311

Long v. Perales [45,517], 58

Long Island College Hosp. v. Conde [45,514]
No. 11452/89 (N.Y. Sup. Ct., Kings County, Feb. 6, 1990), 48

Longeway, Estate of, *In re*
549 N.E.2d 292 (Ill. 1989), 159

Longfellow v. Wyoming [46,304]
803 P.2d 1383 (Wyo. 1991), 1284

Longobardi v. Sullivan [45,722]
No. H-87-628 (PCD) (D. Conn. Jan. 24, 1990), 368

Lopez v. Employment Sec. Div.
802 P.2d 9 (N.M. 1990), 1401

Lopez v. Nogales Hous. Auth. [46,166]
No. CIV. 89-182-TUC-WDB (D. Ariz. Mar. 2, 1990), 1167

Lorenc v. Call [45,367]
789 P.2d 46 (Utah Ct. App. 1990), 243

Loudermilk v. Loudermilk
397 S.E.2d 905 (W. Va. 1990), 1394

Louisiana *ex rel.* H.L.D. v. C.D.M.
563 So. 2d 360 (La. Ct. App. 1990), 876

Love v. Love [45,853]
No. 89-4145-S (D. Kan. June 22, 1990), 582, 1146

Love v. United States
915 F.2d 1242 (9th Cir. 1990), 1196

Lowe v. Lowe
561 So. 2d 240 (Ala. Civ. App. 1990), 619

Loy v. Secretary of HHS
901 F.2d 1306 (6th Cir. 1990), 628

Lucas v. Sullivan [45,636]
918 F.2d 1567 (11th Cir. 1990), 264, 1313

Lucier v. Maine Dep't of Human Servs. [45,892]
No. 90-0144-B (D. Me. July 25, 1990), 741

Luithle v. Burleigh County Social Servs. [46,078]
No. 40809 (N.D. Dist. Ct., Burleigh County, Oct. 24, 1990), 845, 1165

Luna v. Sullivan [35,927]
No. 83-F-1431 (D. Colo. Jan. 30, 1990), 53

Lunderby v. Department of HHS
921 F.2d 246 (9th Cir. 1990), 1401

Lydic v. Manker [46,196]
789 S.W.2d 129 (Mo. Ct. App. 1990); No. 87 3 01266 3 (Wash. Super. Ct., Thurston County, Oct. 17, 1990), 620, 1158

Lytle v. Household Mfg.
110 S. Ct. 1331 (U.S. 1990), 155

—M—

M., *In re*
453 N.W.2d 589 (Neb. 1990), 390

M., *In re*
789 S.W.2d 818 (Mo. Ct. App. 1990), 751

M., *In re* [45,483]
No. 89214058 CC (Cal. Dep't of Social Servs. Dec. 12, 1989), 59

M., *In re* [46,063]
(SSA, Office of Hearings & App., Aug. 17, 1990), 845

M. v. City of Philadelphia [45,678]
No. 89-4630 (E.D. Pa. Apr. 18, 1990), 262

M. v. Johnson
747 F. Supp. 446 (N.D. Ill. 1989); 917 F.2d 980 (7th Cir. 1990), 1189, 1310

M. v. Magnant [45,225]
No. IP 89-1054-C (S.D. Ind. Apr. 23, 1990), 732

M. v. Medford Hous. Auth. [45,719]
(Exec. Office of Communities & Dev. Jan. 26, 1990), 374

M., A., *In re*
455 N.W.2d 572 (Neb. 1990), 627

M., C.P., *In re*
571 A.2d 627 (Vt. 1989), 276

M., Caroline, *In re*
576 A.2d 743 (Me. 1990), 751

M., John v. Paula T.
571 A.2d 1380 (Pa. 1990), 387

M., M., *In re*
452 N.W.2d 236 (Minn. 1990), 272

M., N., *In re*
794 P.2d 564 (Wyo. 1990), 875

M., R., *In re*
392 S.E.2d 13 (Ga. Ct. App. 1990), 626

M., Roland v. Concord School Comm.
910 F.2d 983 (1st Cir. 1990), 1195

Mack v. Secretary of HHS
747 F. Supp. 1208 (W.D. La. 1990), 1313

Madden v. Kemna
739 F. Supp. 1358 (W.D. Mo. 1990), 878

Maddox v. Justice of the Peace Court No. 1
[45,583]
No. 90A-JA7 (Del. Super. Ct., Sussex County, Aug. 10, 1990), 139, 710, 1282

Maddox v. Justice of the Peace Court No. 19
[45,583]
See Maddox v. Justice of the Peace Court No. 1

Madewell v. Roberts
909 F.2d 1203 (8th Cir. 1990), 877

Maeda v. Maeda
794 P.2d 268 (Haw. Ct. App. 1990), 870

Magliocco v. Adams [46,363]
No. L&T 67727/90 (New York City Civ. Ct., Kings County, Oct. 25, 1990), 1382

Magula v. Broward Gen. Medical Center
742 F. Supp. 645 (S.D. Fla. 1990), 1188

Maher v. Secretary of HHS
898 F.2d 1106 (6th Cir. 1989), 392

Maher v. White [46,298]
No. 90-4674 (E.D. Pa. Oct. 29, 1990), 1383

Mahoney v. Driscoll
727 F. Supp. 50 (D. Mass. 1989), 63

Maine Ass'n of Interdependent Neighborhoods v. Commissioner, Me. Dep't of Human Servs.
[45,163]
732 F. Supp. 248 (D. Me. 1990); 747 F. Supp. 88 (D. Me. 1990), 389, 1194

Maine Dep't of Human Servs. v. Tarvers [43,952]
561 A.2d 1029 (Me. Sup. Jud. Ct. 1989), 587

Maksuta v. Higson
577 A.2d 185 (N.J. Super. Ct. App. Div. 1990), 871

Maller v. Cohen [41,221]
No. 86 M1-9203 (Ill. Cir. Ct., Cook County, Apr. 16, 1990), 247

Malone v. Kustra [46,016]
No. 89 C 7492 (N.D. Ill. June 25, 1990), 740

Manchaca v. Sullivan [45,976], 719

Mansfield v. Michigan Ins. Bureau [44,956], 255

Manwani v. United States Dep't of Justice
736 F. Supp. 1367 (W.D.N.C. 1990), 625

Manygoats v. Office of Navajo & Hopi Indian Relocation
735 F. Supp. 949 (D. Ariz. 1990), 627

Mara v. Sullivan
734 F. Supp. 642 (S.D.N.Y. 1990), 616

Marchant, *In re*
790 P.2d 562 (Utah Ct. App. 1990), 751

Marcia v. Sullivan
900 F.2d 172 (9th Cir. 1990), 392

Marcus v. Sullivan [38,704], 607

Marcy v. McCommons
563 N.E.2d 315 (Ohio Ct. App. 1988), 1396

Marsh v. Vigo County Dep't of Pub. Welfare
553 N.E.2d 1234 (Ind. Ct. App. 1990), 624

Martel v. Sullivan [46,155], 1177

Martha T. Berry Memorial Medical Care Facility v. Michigan Dep't of Pub. Health [46,116]
No. 89-3537-AA (Mich. Cir. Ct., Macomb County, June 27, 1990), 844

Martin, *In re*
458 N.W.2d 700 (Minn. Ct. App. 1990), 877

Martin v. Sullivan
901 F.2d 650 (8th Cir. 1990), 629

Martin v. Sullivan
750 F. Supp. 964 (S.D. Ind. 1990), 1313

Martin v. Sullivan [43,401], 856

Martin v. University of S. Ala.
911 F.2d 604 (11th Cir. 1990), 1187

Martinez v. Department of Indus., Labor, & Human Relations [44,972]
No. 89 CV 4610 (Wis. Cir. Ct., Dane County, Apr. 10, 1990), 244

Martinez v. Ibarra [45,276], 842

Martinez v. Jacobson [45,355]
No. 89-C-1083-S (W.D. Wis. Feb. 15, 1990), 263

Marturello v. Angus [45,833]
No. 88NC-117G (D. Utah May 30, 1980), 612

Mashman v. Universal Match Corp.
727 F. Supp. 941 (E.D. Pa. 1989), 63

Mason v. Dallas County Child Welfare Unit of Tex. Dep't of Human Servs.
794 S.W.2d 454 (Tex. Ct. App. 1990), 1192

Massachusetts v. A Juvenile [45,538]
No. 8909 JV 55 (Mass. Dist. Ct., Norfolk County, Dec. 22, 1989), 48

Massachusetts v. Lyng [44,131]
893 F.2d 424 (1st Cir. 1990), 158

Massachusetts Dep't of Revenue v. LaFratta
562 N.E.2d 1352 (Mass. 1990), 1306

Massie v. Indiana Gas Co.
752 F. Supp. 261 (S.D. Ind. 1990), 1397

Matlock v. Sullivan
908 F.2d 492 (9th Cir. 1990), 879

Matthews v. Gaither
902 F.2d 877 (11th Cir. 1990), 617

Matthews v. Kizer [46,283], 1286

Matthews v. Washington State Dep't of Social & Health Servs. [45,679], 248

Mayfield Management v. Haverty [45,866]
No. 90F712601 (Or. Dist. Ct., Multnomah County, June 19, 1990), 731

Maynard v. Mine Hill Township
582 A.2d 315 (N.J. Super. Ct., App. Div., 1990), 1392

Mayor & Council of Laurel, Del. v. West [45,721], 375

Mazza v. Secretary of HHS [45,781]
903 F.2d 953 (3d Cir. 1990), 378

McCabe v. Commissioner, Me. Dep't of Human Servs. [45,836]
No. 90-0040B (D. Me. Aug. 24, 1990), 589, 1160

McCall v. Jim Lynch Cadillac, Inc.
791 S.W.2d 456 (Mo. Ct. App. 1990), 868

McCann, *In re* [45,524]
No. 158 (Tenn. Ct. App. Feb. 27, 1990), 39

McCartney v. Perales [46,054]
No. 04690/89 (N.Y. Sup. Ct., Erie County, July 21, 1989), 844

McCuen v. Polk County, Iowa
893 F.2d 172 (8th Cir. 1990), 64

McCutcheon v. Charleston County Dep't of Social Servs.
396 S.E.2d 115 (S.C. Ct. App. 1990), 1192

McDermott v. Western Union Tel. Co.
746 F. Supp. 1016 (E.D. Cal. 1990), 1189

McDonald v. Mobil Coal Producing [45,608]
789 P.2d 866 (Wyo. Sup. Ct. 1990), 132

McElrath v. Kemp
741 F. Supp. 245 (D.D.C. 1989), 872

McEwen v. Ives [46,127], 1182

McGann v. H & H Music Co.
742 F. Supp. 392 (S.D. Tex. 1990), 1194

McGauley, *In re* [45,893]
(Executive Office of Communities & Dev. June 25, 1990), 731

McGuire v. Bowen
900 F.2d 984 (6th Cir. 1990), 616

McHenry v. Chadwick
896 F.2d 184 (6th Cir. 1990), 161

McKee v. Sullivan
903 F.2d 1436 (11th Cir. 1990), 754

McKenney v. Commissioner, Me. Dep't of Human Servs. [43,954]
No. CV-88-268 (Me. Super. Ct., Kennebec County, June 12, 1989), 614

McKenney v. Sullivan [45,227]
743 F. Supp. 53 (D. Me. 1990), 611

McMullen v. Perales [44,356]
No. 88-CV-977 (N.D.N.Y. Apr. 13, 1990), 267

McRae v. Smith [46,128], 1171

Meacham, *In re* [46,247]
No. CA-8189 (Ohio Ct. App. Dec. 3, 1990), 1156

Mead v. Batchlor [44,214]
460 N.W.2d 493 (Mich. 1990), 1190

Mehta v. Surles
905 F.2d 595 (2d Cir. 1990), 752

Meis v. Gunter
906 F.2d 364 (8th Cir. 1990), 753

Melkonyan v. Heckler
895 F.2d 556 (9th Cir. 1990), 154

Mellon Bank v. Avinel [46,365]
No. 55-03-89 (Del. Ct. C.P., Sussex County, Dec. 27, 1990), 1375

Melton v. Secretary of HHS
737 F. Supp. 867 (E.D. Pa. 1990), 754

Memorial Hosp. of South Bend v. Connor [45,746]
No. T-3105 (Ind. Super. Ct., St. Joseph County, May 30, 1990), 369

Memorial Hosp. of South Bend v. Indiana Dep't of Pub. Welfare
564 N.E.2d 299 (Ind. App. Ct. 1990), 1398

Mendive v. Children's Servs. Div.
794 P.2d 807 (Or. Ct. App. 1990), 751

Mendoza v. Point St. George Fisheries [45,791]
No. 170161 (Cal. Super. Ct., Sonoma County, Apr. 16, 1990), 365

Mercer v. Mercer
392 S.E.2d 41 (Ga. Ct. App. 1990), 620

Mercer v. Mitchell
908 F.2d 763 (11th Cir. 1990), 878

Merchandise Nat'l Bank of Chicago v. Heard [45,632]
No. 86 L 24525 (Ill. Cir. Ct., Cook County, Feb. 6, 1990), 246

Merkel v. Hip of N.J.
573 A.2d 517 (N.J. Super. Ct. App. Div. 1990), 631

Metcalf v. County of Sutter, Cal. [46,187], 1174

Metropolitan Dade County v. Malloy [45,702]
No. 89-187 AP (Fla. Cir. Ct., Dade County, Jan. 31, 1990), 358

Metropolitan Gov't of Nashville & Davidson County, Tenn. v. Cook
915 F.2d 232 (6th Cir. 1990), 1195

Meusberger v. Palmer [44,898]
900 F.2d 1280 (8th Cir. 1990); No. 89-2021NI (8th Cir. May 30, 1990), 250, 367

Michael v. Swords
568 So. 2d 836 (Ala. Civ. App. 1990), 1394

Michelson v. INS
897 F.2d 465 (10th Cir. 1990), 275

Michigan Dep't of Social Servs. v. Sullivan [46,086], 861

Middlesex County Bd. of Social Servs. v. G.G.
567 A.2d 1019 (N.J. Super. Ct. App. Div. 1989), 62

Mihalcik v. Lensink
732 F. Supp. 299 (D. Conn. 1990), 389

Mikel v. Gourley [22,923], 1301

Mikeska v. Collins
900 F.2d 833 (5th Cir. 1990), 627

Miles v. Metropolitan Dade County [45,016]
916 F.2d 1528 (11th Cir. 1990), 1197

Miller v. City of Detroit
462 N.W.2d 856 (Mich. Ct. App. 1990), 1398

Miller v. Housing Auth. of Pekin [43,223]
No. 87-1286 (C.D. Ill. Feb. 2, 1990), 42

Miller v. Ibarra [46,154]
746 F. Supp. 19 (D. Colo. 1990), 1163

Miller v. Leathers [46,112]
885 F.2d 151 (4th Cir. 1990), 853

Miller v. McGovern
907 F.2d 957 (10th Cir. 1990), 879

Miller v. North Morris Estates [46,277], 1283

Miller v. Swissre Holding, Inc.
731 F. Supp. 129 (S.D.N.Y. 1990), 274

Millspaugh v. Wabash County Dep't of Pub. Welfare
746 F. Supp. 832 (N.D. Ind. 1990), 1197

Minneapolis Park & Recreation Bd. v. LeCuyer
457 N.W.2d 760 (Minn. Ct. App. 1990), 755

Minneapolis Pub. Hous. Auth. v. Greene
463 N.W.2d 558 (Minn. Ct. App. 1990), 1398

Mireles v. Frio Foods, Inc.
899 F.2d 1407 (5th Cir. 1990), 388

Mispillion Apartments v. Jones [46,383]
No. JP5-90-C1918 DB-72 (Del. J.P. Ct. No. 5, Sussex County, Jan. 29, 1991), 1384

Mississippi Employment Sec. Comm'n v. Martin
568 So. 2d 725 (Miss. 1990), 1401

Mississippi Employment Sec. Comm'n v. McGlothin
556 So. 2d 324 (Miss. 1990), 163

Mississippi Employment Sec. Comm'n v. Phillips
562 So. 2d 115 (Miss. 1990), 755

Missouri v. Jenkins
58 U.S.L.W. 4480 (U.S. Apr. 18, 1990), 273

Missouri *ex rel.* Ross v. Housing Auth. of St. Louis County [45,581], 139

Mister v. A.R.K. Partnership
553 N.E.2d 1152 (Ill. App. Ct. 1990), 625

Mistretta v. Mistretta
566 So. 2d 836 (Fla. App. Ct. 1990), 1306

Moccio v. Department of Human Resources, Adult & Family Servs. Div.
796 P.2d 1233 (Or. Ct. App. 1990), 1204

Moitoso v. Blount Realty [45,957], 733

Molina v. Crown Business Inst. N.Y.C., Inc. [44,118]
No. 24332/88 (N.Y. Sup. Ct., New York County, Sept. 10, 1990), 1155

Molinelli v. Tucker
901 F.2d 13 (2d Cir. 1990), 621

Monroe v. City of Woodville, Miss. [41,631]
897 F.2d 763 (5th Cir. 1990), 273

Monroe County Dep't of Social Servs. v. McClain [46,378]
No. F168-90 (N.Y. Fam. Ct., Monroe County, Feb. 8, 1991), 1376

Monte v. New Mexico Dep't of Human Servs. [45,409]
(N.M. Human Servs. Dep't, Fair Hearings Bureau, June 22, 1990), 745

Montgomery, *In re*
460 N.W.2d 610 (Mich. Ct. App. 1990), 1198

Montgomery v. Green [45,561]
No. 89-0764 (E.D. Pa. Oct. 5, 1989), 128

Montgomery v. Perales [45,516], 58

Moore v. District of Columbia [45,053]
907 F.2d 165 (D.C. Cir. 1990), 873

Moore v. Illinois Dep't of Employment Sec. [45,506]
No. 89-L-50732 (Ill. Cir. Ct., Cook County, Nov. 29, 1989), 55

Moore v. Mid-Penn Consumer Discount (*In re* Moore) [46,008]
No. 90-10760S (Bankr. E.D. Pa. Aug. 2, 1990), 712

Moore v. Porter [45,239]
569 A.2d 603 (Me. Sup. Jud. Ct. 1990), 31

Moore v. Raine
907 F.2d 1476 (4th Cir. 1990), 867

Moore v. Unemployment Compensation Bd. of Review
578 A.2d 606 (Pa. Commw. Ct. 1990), 881

Morales v. Yeutter [43,893]
No. 87 C 20522 (N.D. Ill. June 11, 1990), 601

Morgan v. Sullivan
908 F.2d 1426 (9th Cir. 1990), 879

Morris v. American Nat'l Can Corp.
730 F. Supp. 1489 (E.D. Mo. 1989), 274

Morris v. Sullivan
897 F.2d 553 (D.C. Cir. 1990), 276

Morton v. Safeco Ins. Co.
905 F.2d 1208 (9th Cir. 1990), 751

Moseanko v. Yeutter [42,954], 1370

Mosley v. Hairston [44,151]
No. 89-3473 (6th Cir. Jan. 9, 1991), 56, 1387

Mosley v. White [45,534], 57

Motor Vehicle Mfrs. Ass'n v. Abrams
899 F.2d 1315 (2d Cir. 1990), 386

Mowbray v. Kozlowski [45,170]
914 F.2d 593 (4th Cir. 1990), 40, 1161

Moyer v. Mongan [45,818], 592

Mozur v. Turnage
729 F. Supp. 27 (E.D. Pa. 1990), 65

Mrs. C. v. Wheaton
916 F.2d 69 (2d Cir. 1990), 1195

Mullins v. North Dakota Dep't of Human Servs.
454 N.W.2d 732 (N.D. 1990), 618

Multnomah Legal Servs. Workers Union v. Multnomah County Legal Aid Serv. [44,665], 242

Munoz v. Sullivan [43,870], 264

Munro v. Sullivan [45,631]
No. N-89-150 (TFGD) (D. Conn. Mar. 29, 1990), 252

Murphy v. McCauley [46,068]
No. 901211 (Va. Sup. Ct. Nov. 1, 1990), 835, 1154

Murray, *In re*
556 N.E.2d 1169 (Ohio 1990), 875

Murray v. Secretary of HHS [45,954]
No. 3:89CV7081 (N.D. Ohio July 18, 1990), 739

Muse v. Hutchins
559 So. 2d 1031 (Miss. 1990), 748

Mushero v. Commissioner, Dep't of Human Servs. [46,037]
No. CV-90-272 (Me. Super. Ct., Kennebec County, May 25, 1990), 741

Mushero v. Ives [46,041], 741

Muzzy v. Chevrolet Div., Gen. Motors Corp.
571 A.2d 609 (Vt. 1989), 272

—N—

N. v. Brock [43,593]
741 F. Supp. 626 (E.D. Ky. 1990), 874

N., P. v. Florida Dep't of Health & Rehabilitative Servs.
562 So. 2d 810 (Fla. Dist. Ct. App. 1990), 875

NAACP v. American Family Mut. Ins. [45,992], 713

Nadeau v. North Carolina Employment Sec. Comm'n
388 S.E.2d 145 (N.C. Ct. App. 1990), 163

Najera v. Sullivan
902 F.2d 12 (8th Cir. 1990), 628

Nappa v. Secretary of HHS
731 F. Supp. 579 (E.D.N.Y. 1990), 277

National Center for Immigrants' Rights v. INS [35,810]
913 F.2d 1350 (9th Cir. 1990), 1197

National Center for Youth Law v. LSC [45,500]
749 F. Supp. 1013 (N.D. Cal. 1990), 357, 832

National Fed'n of Fed. Employees v. Cheney
742 F. Supp. 4 (D.D.C. 1990), 1193

National Foods, Inc. v. Rubin
749 F. Supp. 1242 (S.D.N.Y. 1990), 1304

National Partnership Management v. Owen [46,355]
No. 3 PA 90-709 CIV (Alaska Dist. Ct., Palmer County, Nov. 8, 1990), 1382

Native Village of Venetie I.R.A. Council v. Alaska [43,975]
918 F.2d 797 (9th Cir. 1990), 1312

Navarro v. Sullivan
751 F. Supp. 349 (E.D.N.Y. 1990), 1401

Naydihor v. Sullivan
743 F. Supp. 631 (E.D. Wis. 1990), 1203

Nead v. Pennsylvania Higher Educ. Assistance Agency (*In re* Nead) [45,499], 32, 126

Neal v. Corning Glass Works Corp.
745 F. Supp. 1294 (S.D. Ohio 1990), 1188

Ned, *In re*
553 N.E.2d 552 (Mass. App. Ct. 1990), 626

Nelsen v. King County
895 F.2d 1248 (9th Cir. 1990), 156

Nelson v. City of Chicago [45,182]
No. 83 C 1168 (N.D. Ill. Aug. 3, 1990), 710

Nelson v. Nelson [45,727]
454 N.W.2d 668 (S.D. 1990), 363

Ness v. Sullivan
904 F.2d 432 (8th Cir. 1990), 629

Neufeld v. HUD [46,073]
No. CY-90-3057-AAM (E.D. Wash. July 31, 1990), 849

New England Tel. Co. Info Age NH 2000 Plan, *In re* [46,212], 1177

New Jersey Div. of Youth & Family Servs. v. D.C. & M.C.
571 A.2d 1295 (N.J. 1990), 385

New York v. Ford Motor Co.
548 N.E.2d 906 (N.Y. 1989), 62

New York v. Sullivan [43,035]
906 F.2d 910 (2d Cir. 1990), 606

New York *ex rel.* Bodnar v. Secretary of HHS
903 F.2d 122 (2d Cir. 1990), 623

New York State Dep't of Social Servs. v. Sullivan [45,642], 268

Newland v. Job Serv. N.D.
460 N.W.2d 118 (N.D. 1990), 1203

Newman v. Newman
451 N.W.2d 843 (Iowa 1990), 272

Newman v. Teigeler
898 F.2d 1574 (Fed. Cir. 1990), 386

Newsom v. Newsom
786 S.W.2d 878 (Ky. Ct. App. 1990), 388

Nicholas v. Commissioner, Dep't of Human Servs. [46,023], 744

Nichols v. Nichols
792 S.W.2d 713 (Tenn. 1990), 870

Nicoletti v. Brown
740 F. Supp. 1268 (N.D. Ohio 1987), 874

Nielsen, Marriage of, *In re*
794 P.2d 1097 (Colo. Ct. App. 1990), 870

Nilsson v. Borman's, Inc. [46,093], 858

Nitcher v. Cline
899 F.2d 1543 (8th Cir. 1990), 390

Noland v. Sullivan [46,246], 1163

Norman v. Johnson [44,465]
739 F. Supp. 1182 (N.D. Ill. 1990), 374

Northwest Forest Workers Ass'n v. Yeutter [42,853], 140

Norton v. Cobb
744 F. Supp. 798 (N.D. Ohio 1990), 1189

Nunez v. Interstate Corporate Sys. [45,916]
799 P.2d 30 (Ariz. Ct. App. 1990), 1146, 1393

—O—

O., S., *In re*
795 P.2d 254 (Colo. 1990), 1190

O'Brien Properties v. Rodriguez [45,804]
215 Conn. 367 (1990), 602

O'C., *In re* [45,603]
No. 89-A-02755 (Me. Dep't of Labor Oct. 5, 1989), 148

O'Connor v. Borough of McKees Rocks [45,749]
No. 89-0749 (W.D. Pa. May 15, 1990), 367

O'Hare v. Global Natural Resources, Inc.
898 F.2d 1015 (5th Cir. 1990), 388

O'Kronglis v. Broberg
456 N.W.2d 468 (Minn. Ct. App. 1990), 750

Odoms v. Batts
791 S.W.2d 677 (Tex. Ct. App. 1990), 876

Ofray v. Secretary of HHS
741 F. Supp. 53 (W.D.N.Y. 1990), 867

Oglesby v. Barry [45,472]
No. C-3-89-125 (S.D. Ohio Jan. 11, 1990), 724

Ohio *ex rel.* Tyler v. Alexander
555 N.E.2d 966 (Ohio 1990), 747

Ohio Dep't of Human Servs. v. HHS [46,379], 1387

Ohio Dep't of Mental Health Reimbursement Servs. v. Szuch
563 N.E.2d 353 (Ohio Ct. App. 1988), 1399

Old Ben Coal Co. v. Jones
897 F.2d 900 (7th Cir. 1990), 275

Oliveri, *In re* [46,374]
No. 127-G-1989 (N.Y. Surrogates Ct., Suffolk County, May 3, 1990), 1383

Olson v. Employment Appeal Bd. [45,009]
460 N.W.2d 865 (Iowa Ct. App. 1990), 1204

Operating a Business Out of a Section 8 Residence, *In re* [46,111]
(HUD, Region X, Aug. 2, 1990), 851

Orantes-Hernandez v. Thornburgh [32,766]
919 F.2d 549 (9th Cir. 1990), 1310

Oregon v. Brungard
789 P.2d 683 (Or. Ct. App. 1990), 391

Oregon *ex rel.* Juvenile Dep't of Benton County v. Pennington
799 P.2d 694 (Or. Ct. App. 1990), 1399

Oregon *ex rel.* Juvenile Dep't of Lincoln County v. Ashley
790 P.2d 547 (Or. Ct. App. 1990), 747

Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Dahl
799 P.2d 674 (Or. Ct. App. 1990), 1392

Oregon *ex rel.* Juvenile Dep't of Multnomah County v. Geist [46,123]
796 P.2d 1193 (Or. 1990), 1174

Oregon *ex rel.* Sonoma County, Cal. v. Contreras
790 P.2d 1174 (Or. Ct. App. 1990), 620

Orris v. Rubin [46,282]
No. 89-0266 (D. Haw. Dec. 12, 1990), 1301

Orsini v. Sullivan
903 F.2d 1393 (11th Cir. 1990), 754

Ortiz v. Regan
749 F. Supp. 1254 (S.D.N.Y. 1990), 1312

Oshiver v. Office of Personnel Management
896 F.2d 540 (Fed. Cir. 1990), 161

Otamot, Inc., *In re* [45,530]
No. 88-FLS-2 (DOL, Office of ALJ, Dec. 18, 1989); No. 88-FLS-2 (DOL, Employment Standards Admin., Wage & Hour Div., Nov. 30, 1990), 50, 1296

Oulman v. Adult & Family Servs. Div. of Or. [45,593], 151

Owens v. Libhart
729 F. Supp. 1510 (M.D. Pa. 1990), 161

Owens v. Nacogdoches County Hosp. Dist. [45,201]
741 F. Supp. 1269 (E.D. Tex. 1990), 593

Owens v. Thompson [44,037]
No. 87-2-21326-9 (Wash. Super. Ct., King County, Sept. 25, 1990); No. 87-2-21326-9 (Wash. Super. Ct., King County, Oct. 17, 1990), 864, 1185

Owings v. Economic & Medical Servs.
790 S.W.2d 438 (Ark. 1990), 756

—P—

P., *In re*
579 A.2d 587 (Conn. App. Ct. 1990), 1198

P., *In re* [45,842]
No. 313 O.C. 1988 (Pa. Ct. C.P., Blair County, May 24, 1990), 502

P. v. Sobol [25,954]
No. 79 Civ. 270 (E.D.N.Y. June 26, 1990), 590

P., C., *In re*
455 N.W.2d 138 (Neb. 1990), 625

P., Christopher v. Marcus
915 F.2d 794 (2d Cir. 1990), 1192

P., D.S., *In re*
458 N.W.2d 823 (Wis. Ct. App. 1990), 877

P., E.P., Adoption of, *In re*
395 S.E.2d 133 (N.C. Ct. App. 1990), 1191

P.H. Inv. v. Oliver [44,960], 48, 602

Pack v. O'Quinn
747 F. Supp. 358 (E.D. Ky. 1990), 1194

Palmer v. Jordan [46,132], 1146

Pan Am. World Airways, *In re*
905 F.2d 1457 (11th Cir. 1990), 749

Pandanzyla v. Perales [45,652], 269

Pankow v. Westamerica Mortgage Co.
740 F. Supp. 1309 (N.D. Ill. 1990), 872

Paper v. Rent-A-Wreck
463 N.W.2d 298 (Minn. Ct. App. 1990), 1393

Paralyzed Veterans of Am. v. Washington Metro. Area Transit Auth.
894 F.2d 458 (D.C. Cir. 1990), 158

Parents for Quality Educ. with Integration, Inc. v. Fort Wayne Community Schools
728 F. Supp. 1373 (N.D. Ind. 1990), 62

Parker v. Sullivan
891 F.2d 185 (7th Cir. 1989), 65

Parker v. Sullivan
898 F.2d 578 (7th Cir. 1990), 276

Parks, Marriage of, *In re*
794 P.2d 59 (Wash. Ct. App. 1990), 870

Parr v. Triplett Corp.
727 F. Supp. 1163 (N.D. Ill. 1989), 62

Parsons, Adoption of, *In re*
791 S.W.2d 681 (Ark. 1990), 869

Patel v. Thomas
793 P.2d 632 (Colo. Ct. App. 1990), 749

Patterson v. Bowest Corp. [45,953], 711

Patterson v. R.T.
784 S.W.2d 777 (Ark. 1990), 271

Patterson v. T. [43,366]
784 S.W.2d 777 (Ark. Sup. Ct. 1990), 33

Payne v. Federal Land Bank of Columbia
916 F.2d 179 (4th Cir. 1990), 1188

Peabody Coal Co. v. Helms
901 F.2d 571 (7th Cir. 1990), 624

Peabody Coal Co. v. Shonk
906 F.2d 264 (7th Cir. 1990), 750

Pearson v. Board of Review of Dep't of Employment Sec.
551 N.E.2d 1021 (Ill. App. Ct. 1990), 277

Peck v. Sullivan [44,900]
No. 88-173-D-1 (S.D. Iowa Nov. 15, 1990), 1178

Pedraza v. Springfield Hous. Auth. [46,209], 1172

Penn v. Sullivan
896 F.2d 313 (8th Cir. 1990), 162

Pennsylvania Dep't of Pub. Welfare v. Davenport [43,294]
110 S. Ct. 2126 (1990), 359

Pennsylvania Power Co. v. Unemployment Compensation Bd. of Review
579 A.2d 1030 (Pa. Commw. Ct. 1990), 1204

People's Bank v. Perkins
576 A.2d 1313 (Conn. App. Ct. 1990), 868

Perez v. Perkiss [45,548]
No. 88-689-JLL (D. Del. Mar. 1990); 742 F. Supp. 883 (D. Del. 1990), 35, 581

Perino v. Cohen [45,627]
No. 89 Civ. 7128-CLB (S.D.N.Y. Nov. 29, 1989), 125

Perket v. Secretary of HHS
905 F.2d 129 (6th Cir. 1990), 616

Perkins v. Equal Opportunity Comm'n
451 N.W.2d 91 (Neb. 1990), 163

Perry v. Housing Auth. of Patterson, La. [45,576], 137

Person v. Dep't of Social Servs.
453 N.W.2d 390 (Neb. 1990), 390

Peters v. Bank of Horton [45,974]
No. CL90-85 (Va. Cir. Ct., Roanoke City, July 5, 1990), 718

Peterson, *In re*
897 F.2d 935 (8th Cir. 1990), 270

Petru v. Bass
788 S.W.2d 945 (Tex. Ct. App. 1990), 620

Pettinato v. Pettinato
582 A.2d 909 (R.I. 1990), 1306

Pfeiffer v. Marion Center Area School Dist.
917 F.2d 779 (3d Cir. 1990), 1308

Phillips, *In re*
392 S.E.2d 407 (N.C. Ct. App. 1990), 626

Phillips v. Sullivan
729 F. Supp. 1571 (W.D. Va. 1990), 154

Phoebus v. Pennsylvania Unemployment Compensation Bd. of Review
573 A.2d 649 (Pa. Commw. Ct. 1990), 631

Pickering v. Labor & Ind. Review Comm'n
456 N.W.2d 874 (Wis. Ct. App. 1990), 755

Pickett v. Unemployment Compensation Bd. of Review
562 N.E.2d 521 (Ohio Ct. App. 1989), 1314

Pierre, *In re* [44,872], 851

Pierre v. United States [46,064]
741 F. Supp. 306 (D. Mass. 1990), 848

Pima County Juvenile Severance Action No. S-2710, Appeal in, *In re*
790 P.2d 307 (Ariz. Ct. App. 1990), 751

Pimm v. Pimm
568 So. 2d 1299 (Fla. Ct. App. 1990), 1395

Pineros y Campesinos Unidos Del Noroeste v. Goldschmidt [46,149]
No. 89-920-RE (D. Or. Sept. 27, 1990), 1176

Pinewood Estates of Mich. v. Barnegat Township Leveling Bd.
898 F.2d 347 (3d Cir. 1990), 275

Pinsky v. Duncan
898 F.2d 852 (2d Cir. 1990), 386

Pitre, Estate of v. Western Elec. Co., Inc.
735 F. Supp. 994 (D. Kan. 1990), 622

Pittman v. Jones
559 So. 2d 990 (La. Ct. App. 1990), 748

Pittman v. Sullivan
911 F.2d 42 (8th Cir. 1990), 1187

Pittman v. Taft [46,014]
No. C-1-89-060 (S.D. Ohio Aug. 1, 1989), 715

Pitts v. Nimnicht Chevrolet [46,288]
569 So. 2d 921 (Fla. Dist. Ct. App. 1990), 1286

Pittsburgh Bd. of Educ. v. Pennsylvania Dep't of Educ.
581 A.2d 681 (Pa. Commw. Ct. 1990), 1309

Pitzer v. Sullivan
908 F.2d 502 (9th Cir. 1990), 879

Pizano-Varela v. Gomez
798 P.2d 724 (Or. Ct. App. 1990), 1396

Plyler v. Evatt
902 F.2d 273 (4th Cir. 1990), 616

Pollard v. Palm Beach County
560 So. 2d 1358 (Fla. Dist. Ct. App. 1990), 753

Pollock v. Weymouth Commons E. Assocs. [46,072], 850

Poole v. Freeman United Coal Mining Co. [45,997]
897 F.2d 888 (7th Cir. 1990), 721

Posner v. Dallas County Child Welfare Unit
784 S.W.2d 585 (Tex. Ct. App. 1990), 160

Pottgieser v. Kizer [42,597]
906 F.2d 1319 (9th Cir. 1990), 750

Poverty Resistance Center v. Hart [40,263], 150

Preston v. Mercieri
573 A.2d 128 (N.H. 1990), 619

Prestonia Area Neighborhood Ass'n v. Abramson
797 S.W.2d 708 (Ky. 1990), 1310

Prevatte v. Asbury Arms Apartments [46,082]
396 S.E.2d 642 (S.C. Ct. App. 1990), 832

Price v. Austin Indep. School Dist. [12,306]
729 F. Supp. 533 (W.D. Tex. 1990), 157

Price v. Blache
560 So. 2d 635 (La. Ct. App. 1990), 631

Prince v. Bowen
894 F.2d 283 (8th Cir. 1990), 162

Project B.A.S.I.C. v. City of Providence, R.I. [45,266]
See Project B.A.S.I.C. v. Kemp

Project B.A.S.I.C. v. Kemp [45,266]
907 F.2d 1242 (D.R.I. 1990), 258, 595, 1170

Project B.A.S.I.C. v. O'Rourke [45,266]
See Project B.A.S.I.C. v. Kemp

Prudential Ins. Co. v. Iowa Civil Rights Comm'n [39,669]
No. AA1529 (Iowa Dist. Ct., Polk County, Mar. 8, 1990), 272

Prudential Ins. Co. of Am. v. Moorhead
730 F. Supp. 727 (M.D. La. 1989), 272

Pryor v. Brennan
914 F.2d 921 (7th Cir. 1990), 1199

Public Serv. Co. of Colo. v. Ingle
794 P.2d 1374 (Colo. Ct. App. 1990), 880

Puckett v. Johns Hopkins Hosp. [45,598]
No. 89258024/CL102827 (Md. Cir. Ct., Baltimore City, Mar. 2, 1990), 148

Puett v. Blandford
895 F.2d 630 (9th Cir. 1990), 161

Pyke v. Department of Social Servs.
453 N.W.2d 274 (Mich. Ct. App. 1990), 393

Pyramid Lake Paiute Tribe of Indians v. United States Dep't of Navy
898 F.2d 1410 (9th Cir. 1990), 391

—Q—

Quinlivan v. Sullivan [46,188]
916 F.2d 524 (9th Cir. 1990), 1177

—R—

R. v. Concannon [45,748], 376

R., B.J., Adoption of, *In re*
579 A.2d 906 (Pa. Super. Ct. 1990), 1198

R., Benjamin v. Orkin Exterminating Co.
390 S.E.2d 814 (W. Va. 1990), 389

R., C.E., *In re*
796 S.W.2d 423 (Mo. Ct. App. 1990), 1396

R., D.E., *In re*
455 N.W.2d 239 (Wis. 1990), 623

R., H., *In re*
581 A.2d 1141 (D.C. 1990), 1306

Ralbovsky v. Lamphere
731 F. Supp. 79 (N.D.N.Y. 1990), 271

Ramey v. Hawk
730 F. Supp. 1366 (E.D.N.C. 1989), 276

Ramirez, *In re* [43,744]
(SSA, Office of Hearings & Appeals, Mar. 13, 1990), 147

Ramon v. Soto
916 F.2d 1377 (9th Cir. 1990), 1199

Randolph v. Sullivan
738 F. Supp. 305 (C.D. Ill. 1990), 746

Rangel v. Mattox [45,553]
No. B-88-053 (S.D. Tex. Dec. 6, 1989), 125

Rapid City School Dist., 51-4 v. Vahle
733 F. Supp. 1364 (D.S.D. 1990), 623

Rashad v. Sullivan
903 F.2d 1229 (9th Cir. 1990), 754

Raske, *In re* [45,998]
(SSA, Office of Hearings & App., Dec. 22, 1989), 740

Rasmussen, *In re*
462 N.W.2d 621 (Neb. 1990), 1311

Rauh v. Coyne
744 F. Supp. 1186 (D.D.C. 1990), 1194

Ray v. Bivens
562 So. 2d 119 (Miss. 1990), 755

RCR Servs. v. Taylor [45,533]
No. 89-2294-LT (Mich. Dist. Ct. Feb. 8, 1990), 46

Read v. Amana Collection Servs. [46,356]
No. CIV-90-110E (W.D.N.Y. Jan. 15, 1991), 1374

Real v. United States
906 F.2d 1557 (Fed. Cir. 1990), 755

Rearden v. Rearden
568 So. 2d 1111 (La. Ct. App. 1990), 1395

Reese Invs. v. Tucker [46,349]
No. 89AP-1181 (Ohio Ct. App. Mar. 13, 1990), 1371

Rehnberg v. Aronson [45,786], 382

Reyes v. Sullivan
915 F.2d 151 (5th Cir. 1990), 1201

Reynolds v. Reynolds
458 N.W.2d 103 (Minn. 1990), 869

Rhodes v. Charter Hosp.
730 F. Supp. 1383 (S.D. Miss. 1989), 275

Rice v. Sharp [45,897], 728

Rice v. Sullivan
912 F.2d 1076 (9th Cir. 1990), 1202

Richard v. Commissioner of Income Maintenance
573 A.2d 712 (Conn. 1990), 617

Richards v. Richards [45,877], 716

Richardson v. Baker [40,719]
No. 86 Civ. 2329 (WCC) (S.D.N.Y. Feb. 9, 1990), 36

Richardson v. City of South Euclid
904 F.2d 1050 (6th Cir. 1990), 618

Richardson v. Henry
902 F.2d 414 (5th Cir. 1990), 617

Richardson v. Ramsey [46,264], 1288

Richmond v. Tecklenberg
396 S.E.2d 111 (S.C. Ct. App. 1990), 1192

Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth.
751 F. Supp. 1204 (E.D. Va. 1990), 1398

Richmond Tenants Org. v. Richmond Redevelopment & Hous. Auth. [45,824], 599

Richmond Tenants Org. v. Kemp [45,826]
No. 3:90CV00346 (E.D. Va. July 30, 1990); No. 3:90CV00346 (E.D. Va. Dec. 19, 1990), 599, 1292

Richter v. Fairbanks
903 F.2d 1202 (8th Cir. 1990), 747

Ricketts v. Secretary of HHS
902 F.2d 661 (8th Cir. 1990), 628

Riley v. Alabama *ex rel.* White
563 So. 2d 1039 (Ala. Civ. App. 1990), 881

Rioux v. CF Inv. [46,178]
No. 89-573-L (D.N.H. May 2, 1990), 1152

Ritenour v. Unemployment Appeals Comm'n
570 So. 2d 1106 (Fla. Dist. Ct. App. 1990), 1402

Rivera v. Heintz
575 A.2d 1052 (Conn. App. Ct. 1990), 756

Rivera v. Sullivan
727 F. Supp. 137 (S.D.N.Y. 1989), 64

Rivera v. White [45,846], 611

Riverside Tenants Ass'n v. Kemp [46,137], 1167

Robbins v. Budke [45,784]
739 F. Supp. 1479 (D.N.M. 1990), 376

Robbins v. Christianson
904 F.2d 492 (9th Cir. 1990), 627

Robbins v. Jim Walter Resources, Inc.
898 F.2d 1478 (11th Cir. 1990), 390

Robbins v. Robbins
557 N.E.2d 823 (Ohio Ct. App. 1988), 871

Robbins v. Robbins [46,114]
No. C.A. 46 (Tenn. Ct. App. Dec. 12, 1990), 854, 1297

Robbins v. Secretary of HHS
895 F.2d 1223 (8th Cir. 1990), 162

Roberts v. Roberts [45,562], 131

Roberts v. United States [44,771]
906 F.2d 1440 (10th Cir. 1990), 582

Robertson v. Bethel Park Apartments [46,249], 1173

Robertson v. Concannon [43,878]
No. 88-1076-JU (D. Or. July 24, 1990); No. 88-1076-JU (D. Or. Oct. 26, 1990), 862, 1388

Robinson v. Empire of Am. Realty Credit [45,978], 714

Robinson v. Michigan Consol. Gas Co.
918 F.2d 579 (6th Cir. 1990), 1305

Robinson v. Pickands Mather & Co./Leslie Coal Co.
914 F.2d 35 (4th Cir. 1990), 1196

Robinson v. Stern [45,729]
No. 46197/89 (N.Y. Sup. Ct., New York County, May 9, 1990), 366

Robinson v. Sullivan
733 F. Supp. 989 (E.D. Pa. 1990), 630

Robinson v. Sullivan [46,278]
No. 89 C 2829 (E.D.N.Y. Aug. 14, 1990), 1299

Rodlin v. Secretary of HHS
750 F. Supp. 146 (D.N.J. 1990), 1313

Rodriguez v. Berrybrook Farms [43,274]
No. K86-161 CA8 (W.D. Mich. June 20, 1990), 604

Rodriguez v. Cuomo [45,745]
751 F. Supp. 363 (S.D.N.Y. 1990), 378, 1400

Rodriguez v. Montana Dep't of Social & Rehabilitative Servs. [46,207]
No. DV 89-902 (Mont. Dist. Ct., Yellowstone County, Sept. 5, 1990), 1185

Rodriguez v. Rhode Island Dep't of Human Servs. [45,559]
No. 89-0816 (R.I. Super. Ct., Providence County, Feb. 23, 1990), 153

Roe v. Hamilton County Dep't of Human Servs.
560 N.E.2d 238 (Ohio Ct. App. 1988), 1311

Rogers v. Janzen
891 F.2d 95 (5th Cir. 1989), 61

Rogers v. Rogers
786 S.W.2d 176 (Mo. Ct. App. 1990), 390

Rojas v. Freda [45,090], 42

Rokusek v. Sullivan [45,503], 54

Roman v. Jeffes
904 F.2d 192 (3d Cir. 1990), 617

Romero, *In re*
790 P.2d 819 (Colo. 1990), 624

Rosa v. Gaynor [44,830]
No. N-88-269 (JAC) (D. Conn. Nov. 21, 1989), 127

Rosario v. Livaditis [44,042]
No. 87 C 1224 (N.D. Ill. Feb. 20, 1990), 31

Roseberry v. United States
736 F. Supp. 408 (D.N.H. 1990), 624

Rosebud Sioux Tribe v. South Dakota [45,296]
900 F.2d 1164 (8th Cir. 1990), 143

Ross v. Buckeye Cellulose Corp.
733 F. Supp. 344 (M.D. Ga. 1989); 733 F. Supp. 363 (M.D. Ga. 1990), 388, 389

Ross v. Moore
785 S.W.2d 243 (Ark. Ct. App. 1990), 272

Roth v. Berman [45,620], 149

Rothschild v. Grottenhaler
907 F.2d 286 (2d Cir. 1990), 873

Routhier v. Canino-Siegrist [45,969], 744

Rowe v. Conners (*In re* Rowe) [45,526]
No. 88-13932S (Bankr. E.D. Pa. Feb. 8, 1990), 32

Rowe v. Cowherd
796 S.W.2d 866 (Ky. Ct. App. 1990), 1403

Royzer v. Secretary of HHS
900 F.2d 981 (6th Cir. 1990), 616

Rubio, *In re* [45,677]
No. 89251118 STAN (Cal. Dep't of Health Servs. Dec. 26, 1989), 256

Ruffin v. Kemp [45,788], 370

Rumiche v. Foley [45,542], 37

Runkle v. Unemployment Compensation Bd. of Review [46,197], 1179

Russell v. Dunston
896 F.2d 664 (2d Cir. 1990), 273

Rutledge v. Sullivan
745 F. Supp. 715 (S.D. Ga. 1990), 1187

Ryan v. Review Board of Ind. Dep't of Employment & Training Servs.
560 N.E.2d 112 (Ind. Ct. App. 1990), 1314

Rymer v. Board of Review of W. Va. Dep't of Employment Sec. [46,106]
No. 89-AA-109 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 859

—S—

S., *In re*
795 P.2d 1244 (Cal. 1990), 1198

S. v. Flaherty [36,533]
902 F.2d 250 (4th Cir. 1990), 249

S. v. Georgia Bd. of Educ. [45,152]
No. CV488-001 (S.D. Ga. Oct. 9, 1990), 1160

S. v. Ohio State Bd. of Educ. [42,416]
No. C87-7239 (N.D. Ohio Apr. 27, 1990), 367

S. v. Smith
560 N.E.2d 1380 (Ill. App. Ct. 1990), 1311

S. v. Toguchi [45,021]
No. 89-00201 DAE (D. Haw. July 16, 1990), 840

S., A., *In re*
567 A.2d 1139 (Vt. 1989), 64

S., A., *In re*
790 P.2d 539 (Okla. Ct. App. 1989), 747

S., B.G., Adoption of, *In re*
556 So. 2d 545 (La. 1990), 157

S., J., *In re*
550 N.E.2d 257 (Ill. App. Ct. 1990), 157

S., J.L., *In re*
793 S.W.2d 79 (Tex. Ct. App. 1990), 876

S., Jeffrey v. Georgia Bd. of Educ. [45,152]
896 F.2d 507 (11th Cir. 1990), 156

S., M., Adoption of, *In re*
563 So. 2d 1215 (La. Ct. App. 1990), 871

S., M.L., *In re*
458 N.W.2d 541 (Wis. Ct. App. 1990), 877

S., P.L., Paternity of, *In re*
463 N.W.2d 403 (Wis. Ct. App. 1990), 1396

S., R., Guardianship of, *In re*
454 N.W.2d 1 (Wis. Ct. App. 1990), 392

S., S. v. E.S.
578 A.2d 381 (N.J. Super. Ct. App. Div. 1990), 871

S., T., *In re*
801 P.2d 77 (Mont. 1990), 1400

S., Timmy v. Stumbo [44,104]
916 F.2d 312 (6th Cir. 1990), 1188

Saito v. Lewin [45,817]
No. 89-00754 HMF (D. Hawaii May 16, 1990), 603

Salaam v. Lockhart
905 F.2d 1168 (8th Cir. 1990), 753

Salinas v. Canyon County
786 P.2d 611 (Idaho Ct. App. 1990), 159

Salisbury v. McWhorter
752 F. Supp. 243 (W.D. Ky. 1989), 1397

Sallis v. McMahon [46,057], 863

Salvador v. Sullivan
917 F.2d 13 (9th Cir. 1990), 1202

Samaroff v. Northeast Ill. Regional Commuter R.R. [45,244]
No. 89 C 8219 (N.D. Ill. Apr. 25, 1990), 366

Samuel v. King [46,351]
No. 89-11788 (D.C. Super. Ct. Nov. 9, 1990), 1384

Sanches v. Sullivan
735 F. Supp. 286 (N.D. Ill. 1990), 630

Sanchez v. Lagoudakis
457 N.W.2d 373 (Mich. Ct. App. 1990), 750

Sanderfoot, *In re*
899 F.2d 598 (7th Cir. 1990), 385

Sanders v. Sanders
797 S.W.2d 874 (Mo. App. Ct. 1990), 1307

Sansom v. Sprinkle
799 S.W.2d 776 (Tex. Ct. App. 1990), 1393

Sarrassat v. Sullivan [43,444]
No. C 88 20161 RPA (N.D. Cal. July 27, 1990), 40, 722

Saunders v. Illinois Dep't of Pub. Aid
556 N.E.2d 736 (Ill. App. Ct. 1990), 875

Savage v. Aronson [44,743]
571 A.2d 696 (Conn. 1990), 393

Savage-Wright v. Mercer County Hous. Auth. [46,141]
No. 90-1575 (W.D. Pa. Jan. 2, 1991), 1169, 1382

Savenko v. Graham [45,597], 134

Savko v. Rollins [46,174]
749 F. Supp. 1403 (D. Md. 1990), 1176

Sawma v. Perales
895 F.2d 91 (2d Cir. 1990), 163

Schlank v. Williams
572 A.2d 101 (D.C. 1990), 389

Schmitz v. Stransky
454 N.W.2d 455 (Minn. Ct. App. 1990), 620

Schoolcraft v. Sullivan [45,479], 608

Schulz v. North Dakota Dep't of Human Servs. [45,391]
No. 89C-257 (N.D. Dist. Ct., Stark County, Feb. 14, 1990), 34

Schwendeman v. Commissioner, Me. Dep't of Human Servs. [45,421]
See Schwendeman v. Ives

Schwendeman v. Ives [45,421]
750 F. Supp. 17 (D. Me. 1990), 382, 610

Sciarotta v. Bowen
735 F. Supp. 148 (D.N.J. 1989), 630

Scott, Marriage of, *In re*
792 S.W.2d 679 (Mo. Ct. App. 1990), 871

Scott v. City of Topeka Police & Fire Civil Serv.
739 F. Supp. 1434 (D. Kan. 1990), 872

Scott v. Coughlin
727 F. Supp. 806 (W.D.N.Y. 1990), 64

Scott v. Morro Bay Hosp. [41,448]
No. 61731 (Cal. Super. Ct., San Luis Obispo County, Mar. 12, 1990), 594

Scott v. Sullivan
737 F. Supp. 36 (E.D. Va. 1989), 617

Scruton v. HUD [46,353], 1381

Sebastian v. Commissioner of Human Servs. of Tenn. [46,248], 1184

Sebree v. Board of Review of W. Va. Dep't of Employment Sec. [46,107]
No. 89-AA-141 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 859

Secatore v. Bowen
732 F. Supp. 1569 (S.D. Fla. 1990), 385

Sechrest, Marriage of, *In re*
560 N.E.2d 1212 (Ill. App. Ct. 1990), 1307

Security Pac. Hous. Servs. v. Horsey [45,778], 361

See Moua v. Goodrich [45,219]
No. 89-C-888-C (W.D. Wis. Oct. 22, 1990), 1184

Seibert, *In re*
914 F.2d 102 (7th Cir. 1990), 1187

Sella v. Hahn Thi Vo [45,698]
No. 89 B 04825 (Los Angeles, Cal., Mun. Ct. Mar. 27, 1990), 243

Sellers v. United Home Food Distribs. (*In re* United Home Food Distrib.) [44,043]
No. 84-02066 LN (Bankr. W.D. Okla. June 21, 1990), 1152

Sexton v. Canady [46,184]
No. 19765 (W. Va. Sup. Ct. App. Oct. 4, 1990), 1180

Sexton v. Tyson [46,108]
No. 88-AA-5 (W. Va. Cir. Ct., Kanawha County, Sept. 21, 1990), 859

Seymore v. Secretary of HHS
738 F. Supp. 235 (N.D. Ohio 1990), 746

Shabazz v. Bowen
912 F.2d 532 (2d Cir. 1990), 1201

Shaumyan v. Sidetex Co., Inc.
900 F.2d 16 (2d Cir. 1990), 386

Shaw v. Allen [46,293]
No. 81-1008 (S.D. W. Va. Dec. 26, 1990), 1297

Shaw v. McMahon [39,686]
268 Cal. Rptr. 535 (Cal. Ct. App. 1990), 268

Shaw v. Strackhouse
920 F.2d 1135 (3d Cir. 1990), 1397

Shellman v. Investors Nat'l Life Ins. [45,774]
No. 89-RCCV-770 (Ga. Super. Ct., Richmond County, Aug. 16, 1990), 1154

Shelltrack v. Sullivan [45,982]
No. A1-90-022 (D.N.D. July 5, 1990), 739

Shendock v. Director, Office of Workers' Compensation Programs
893 F.2d 1458 (3d Cir. 1990), 156

Shepard v. Sullivan
898 F.2d 1267 (7th Cir. 1990), 385

Sheppard v. Sullivan
906 F.2d 756 (D.C. Cir. 1990), 753

Sherman v. Griepentrog [45,811], 592

Sherman v. Illinois Human Rights Comm'n
564 N.E.2d 203 (Ill. App. Ct. 1990), 1397

Shields v. Kentucky Unemployment Ins. Comm'n [45,221]
No. 90-CI-012 (Ky. Cir. Ct., Simpson County, May 29, 1990), 381

Shinn v. Sullivan
915 F.2d 1186 (8th Cir. 1990), 1201

Shoemaker v. Shoemaker
563 So. 2d 1032 (Ala. Civ. App. 1990), 870

Shookoff v. Adams
750 F. Supp. 288 (M.D. Tenn. 1990), 1311

Shrader v. Hopkins
394 S.E.2d 538 (Ga. Ct. App. 1990), 878

Sidwell v. McMahon [44,763]
No. CIV-S-89-0445 LKK-JFM (E.D. Cal. May 16, 1990), 381

Silpacharin v. Metropolitan Gov't of Nashville
797 S.W.2d 625 (Tenn. Ct. App. 1990), 1308

Simanonok v. Simanonok
918 F.2d 947 (Fed. Cir. 1990), 1305

Simmons v. Kemp
751 F. Supp. 815 (D. Minn. 1990), 1398

Simmons v. Traughber [44,611]
791 S.W.2d 21 (Tenn. 1990), 755

Simpson v. Hines
903 F.2d 400 (5th Cir. 1990), 627

Sims v. Kemp [46,372], 1380

Sipiora v. Illinois Dep't of Pub. Aid
548 N.E.2d 459 (Ill. App. Ct. 1989), 64

Sisk v. Butler [45,816]
No. JP17-90-C-0542 (Del. Justice of the Peace Ct., Sussex County, June 25, 1990), 734

Sisseton-Wahpeton Sioux Tribe v. United States
895 F.2d 588 (9th Cir. 1990), 161

Sivak v. Ada County
795 P.2d 898 (Idaho Ct. App. 1990), 1201, 1400

Six Mexican Workers v. Arizona Citrus Growers [21,184]
904 F.2d 1301 (9th Cir. 1990), 627

Skinner v. Secretary of HHS
902 F.2d 447 (6th Cir. 1990), 628

Skipper v. Suter [37,338]
No. 84 C 7738 (N.D. Ill. Feb. 6, 1990), 248

Slocum v. Department of Social Welfare [45,856]
580 A.2d 951 (Vt. Sup. Ct. 1990), 862

Smith v. Alaska Dep't of Revenue
790 P.2d 1352 (Alaska 1990), 747

Smith v. Babcock [44,871]
748 F. Supp. 501 (E.D. Mich. 1990), 1182

Smith v. Brady
744 F. Supp. 925 (N.D. Cal. 1990), 1193

Smith v. Concannon [45,037], 1161

Smith v. Coughlin
727 F. Supp. 834 (S.D.N.Y. 1989), 64

Smith v. Employment Div. [43,961]
799 P.2d 148 (Or. 1990), 1401

Smith v. Farmers & Citizens State Bank [46,292]
No. 2:89-1540 (S.D. W. Va. Nov. 27, 1990), 1284

Smith v. Federal Emergency Management Agency [45,872], 847

Smith v. Fidelity Consumer Discount Co. [45,518]
No. 88-1444 (3d Cir. Mar. 12, 1990); No. 88-1406 (3d Cir. Mar. 15, 1990); 898 F.2d 896 (3d Cir. 1990), 34, 127, 386

Smith v. HUD [45,403]
No. 89-0612L (D.R.I. Feb. 21, 1990), 43

Smith v. Justice of the Peace Court No. 1 [45,348]
No. 89A-SE2 (Del. Super. Ct., Sussex County, Aug. 7, 1990), 852, 1282

Smith v. Law Offices of Mitchell N. Kay [45,914]
No. 90-316-JLL (D. Del. Oct. 22, 1990); No. 90-316-JLL (D. Del. Feb. 12, 1991), 1152, 1373

Smith v. Marshall
562 So. 2d 269 (Ala. Civ. App. 1990), 751

Smith v. Medical Credit Servs. [45,644]
No. 89-593-JLL (D. Del. Apr. 12, 1990), 245

Smith v. Smith
568 So. 2d 838 (Ala. Civ. App. 1990), 1394

Smith v. Sullivan
733 F. Supp. 450 (D.D.C. 1990), 629

Smith v. Sullivan [45,582]
No. LR-C-87-933 (E.D. Ark. Oct. 30, 1989), 145

Smithback v. Sullivan
899 F.2d 698 (7th Cir. 1990), 392

Sneede v. Kizer [44,687]
No. C-89-1932-TEH (N.D. Cal. May 3, 1990); No. C89-1932 TEH (N.D. Cal. July 5, 1990); No. C89-1932 TEH (N.D. Cal. Oct. 17, 1990), 368, 722, 1287, 1378

Snell v. Tunnell
920 F.2d 673 (10th Cir. 1990), 1393

Snow, *In re*
899 F.2d 337 (4th Cir. 1990), 385

Society for Good Will to Retarded Children v. Cuomo [26,198]
902 F.2d 1085 (2d Cir. 1990); 745 F. Supp. 879 (E.D.N.Y. 1990), 622, 1196

Sockwell v. Phelps
906 F.2d 1096 (5th Cir. 1990), 747

Sohappy v. Hodel
911 F.2d 1312 (9th Cir. 1990), 1199

Solomon v. Lewis
459 N.W.2d 505 (Mich. Ct. App. 1990), 1191

Solomon v. Munford, Inc. [45,659], 252

Sommer v. Sullivan
898 F.2d 895 (2d Cir. 1990), 385

Sonic Drive-In v. Hernandez
797 S.W.2d 254 (Tex. Ct. App. 1990), 1402

Sonneman v. Knight
790 P.2d 702 (Alaska 1990), 630

Sorenson v. Bowen [45,065]
888 F.2d 706 (10th Cir. 1989), 607

South Carolina *ex rel.* Hamm v. Chrysler Credit Corp. [45,881]
No. 89-CP-40-3287 (S.C. Ct. C.P., Richland County, Mar. 29, 1990), 714

South Dakota *ex rel.* J., *In re* [44,901]
454 N.W.2d 317 (S.D. 1990), 605

South San Francisco Hous. Action Comm. v. South San Francisco, Cal. [46,276]
No. 343470 (Ca. Super. Ct., San Mateo County, Feb. 23, 1990), 1285

Southside Fair Hous. Comm. v. City of New York
750 F. Supp. 575 (E.D.N.Y. 1990), 1307

Southside Welfare Rights Org. v. Stangler [46,342]
No. 90-4271-CV-C-5 (W.D. Mo. Aug. 23, 1990), 1377

Spann v. Carley Capital Group
734 F. Supp. 1 (D.D.C. 1988), 624

Splett, *In re*
551 N.E.2d 433 (Ill. App. Ct. 1990), 277

Sprouse v. Sullivan
738 F. Supp. 999 (E.D. Va. 1990), 755

Spruell v. Allied Meadows Corp.
787 P.2d 263 (Idaho 1990), 393

Spulak v. K Mart Corp.
894 F.2d 1150 (10th Cir. 1990), 157

St. Amand v. Commissioner, Me. Dep't of Human Servs. [44,974]
No. CV-89-280 (Me. Super. Ct., Kennebec County, Jan. 12, 1990), 614

St. Johns County v. Northeast Fla. Builders Ass'n
559 So. 2d 363 (Fla. Dist. Ct. App. 1990), 621

St. Joseph's Hosp. & Medical Center v. Maricopa County
786 P.2d 983 (Ariz. Ct. App. 1989), 159

St. Vincent's Hosp. v. King
901 F.2d 1068 (11th Cir. 1990), 632

Stagner v. Oklahoma Bd. of Review
792 P.2d 94 (Okla. Ct. App. 1990), 631

Stamper v. Worford
798 S.W.2d 573 (Tex. Ct. App. 1990), 1396

Standridge v. Board of Review of Okla. Employment Sec. Comm'n
788 P.2d 969 (Okla. Ct. App. 1990), 277

Stanton v. Missouri Div. of Employment Sec.
799 S.W.2d 202 (Mo. Ct. App. 1990), 1402

Stark v. Dynascan Corp.
902 F.2d 549 (7th Cir. 1990), 621

Starks v. Rent-A-Center [45,215]
No. 3-89-0786 (D. Minn. May 15, 1990), 361

Stefanko v. Secretary of HHS [45,984]
No. B-88-566 (JAC) (D. Conn. Apr. 18, 1990), 723

Steinhardt v. Sullivan
752 F. Supp. 95 (S.D.N.Y. 1990), 1401

Steuben County Dep't of Social Servs. v. Deats
560 N.E.2d 760 (N.Y. 1990), 1309

Steven, *In re*
786 P.2d 1296 (Or. Ct. App. 1990), 160

Stevens v. Indiana Dep't of Pub. Welfare
564 N.E.2d 536 (Ind. App. Ct. 1990), 1398

Stevens v. Kemp [45,671], 258

Stewart v. Woods
730 F. Supp. 1096 (M.D. Fla. 1990), 271

Stieberger v. Sullivan [39,839]
738 F. Supp. 716 (S.D.N.Y. 1990), 54, 754

Stiles v. Bargeron
559 So. 2d 365 (Fla. Dist. Ct. App. 1990), 619

Stoffel v. Arizona Dep't of Economic Sec.
784 P.2d 275 (Ariz. Ct. App. 1989), 61

Stokes v. Secretary of HHS
742 F. Supp. 270 (W.D. Pa. 1990), 1203

Stone v. Mehlberg
728 F. Supp. 1341 (W.D. Mich. 1989), 61

Storseth v. Brown, Raymond & Rissler [46,358]
No. 89-98 (Wyo. Sup. Ct. Jan. 30, 1991), 1370

Straus v. Straus
393 S.E.2d 248 (Ga. 1990), 747

Stump v. Yeutter [45,673], 249

Stumpfel v. Board of Review of W. Va. Dep't of Employment Sec. [46,109]
No. 89-AA-174 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 860

Sullivan, *In re* [44,589]
904 F.2d 826 (3d Cir. 1990), 628

Sullivan v. Everhart [43,697]
110 S. Ct. 960 (1990), 52

Sullivan v. Stroop [43,018]
110 S. Ct. 2499 (U.S. 1990), 610

Sullivan v. Sullivan
738 F. Supp. 332 (W.D. Mo. 1990), 746

Sullivan v. Vallejo City Unified School Dist.
731 F. Supp. 947 (E.D. Cal. 1990), 274

Sullivan v. Zebley [43,127]
See Zebley v. Sullivan

Summeries v. Chicago Hous. Auth. [45,004]
No. 88 C 10566 (N.D. Ill. Nov. 30, 1989), 1291

Sumners v. Sullivan
730 F. Supp. 99 (M.D. Tenn. 1989), 154

Superior Mobile Homes v. Russell [45,521]
No. 7-89-CVG-336 (New Philadelphia, Ohio, Mun. Ct. Jan. 12, 1990), 49

Surratt v. Newton
393 S.E.2d 554 (N.C. Ct. App. 1990), 752

Swan, *In re*
569 A.2d 1202 (Me. 1990), 159

Swanson v. Sullivan [46,307]
No. 89-1330 (3d Cir. Dec. 13, 1990), 1298

Swayne v. L.D.S. Social Servs. [45,827]
795 P.2d 637 (Utah Sup. Ct. 1990), 587

Swindle v. Sullivan
914 F.2d 222 (11th Cir. 1990), 1202

Syck, Adoption of, *In re*
562 N.E.2d 174 (Ill. 1990), 1306

—T—

T., A., *In re*
555 N.E.2d 402 (Ill. App. Ct. 1990), 751

T., B., *In re*
561 N.E.2d 1269 (Ill. App. Ct. 1990), 1311

T., C., *In re*
798 P.2d 1170 (Wash. Ct. App. 1990), 1399

T., Caroline v. Hudson School Dist.
915 F.2d 752 (1st Cir. 1990), 1192

Tabib v. Sullivan [43,692]
No. SA-88-CA-1062 (W.D. Tex. May 31, 1990), 379

Talevich v. Voss
734 F. Supp. 425 (C.D. Cal. 1990), 622

Tanner v. Johnson [46,303], 1298

Tataranowicz v. Sullivan [46,294]
No. 90-0935 (D.D.C. Dec. 21, 1990), 1287

Tavoletti v. Sullivan
732 F. Supp. 578 (W.D. Pa. 1989), 393

Taxiera v. Malkus
578 A.2d 761 (Md. 1990), 869

Tay v. Flaherty [43,968]
394 S.E.2d 217 (N.C. Ct. App. 1990), 867

Taylor v. Bowen
738 F. Supp. 436 (D. Kan. 1987), 754

Taylor v. Clinchfield Coal Co.
895 F.2d 178 (4th Cir. 1990), 159

Taylor v. Desire Community Hous. Corp. [46,376]
No. 91-0112 (E.D. La. Feb. 8, 1991), 1381

Taylor v. Honig
910 F.2d 627 (9th Cir. 1990), 874

Taylor v. Office of Sec'y of La. Dep't of Health & Human Resources [45,958]
No. 89-CA-0853 (La. Ct. App. June 18, 1990), 613, 1302

Taylor v. Taylor
563 So. 2d 1049 (Ala. Civ. App. 1990), 870

Taylor v. Wettstein
746 F. Supp. 713 (S.D. Ohio 1989), 1189

Taylor v. White [46,011], 725

Tennessee Dep't of Human Servs. v. Smith
785 S.W.2d 336 (Tenn. 1990), 272

Tennessee Dep't of Human Servs. *ex rel.* Young v. Young [46,331]
(Tenn. Sup. Ct. Dec. 31, 1990), 1386

Texas Employment Comm'n v. Torvik
797 S.W.2d 195 (Tex. Ct. App. 1990), 1402

Texas Rural Legal Aid v. LSC [45,430]
740 F. Supp. 880 (D.D.C. 1990), 581

Texas Rural Legal Aid v. LSC [45,798], 358

Thaysen v. Thaysen
559 So. 2d 626 (Fla. Dist. Ct. App. 1990), 748

Theilking v. Mercy Care Plan [45,389], 256

Thetford Properties IV Ltd. Partnership v. HUD [44,241]
907 F.2d 445 (4th Cir. 1990), 875

Thirsk v. Thornton [46,081], 837

Thomas v. Cincinnati Bd. of Educ.
918 F.2d 618 (6th Cir. 1990), 1309

Thompson v. Sullivan [45,999]
741 F. Supp. 1297 (N.D. Ill. 1990), 737

Thomson v. Louisiana
564 So. 2d 756 (La. Ct. App. 1990), 880

Thorlaksen v. Thorlaksen
453 N.W.2d 770 (N.D. 1990), 387

Thornton v. Butler [37,239]
728 F. Supp. 679 (M.D. Ala. 1990), 64

Thornton v. Department of Pub. Welfare
571 A.2d 1093 (Pa. Commw. Ct. 1990), 394

Thornton v. District of Columbia [46,273], 1293

Thornton v. McMahon [45,723]
No. 664292-3 (Cal. Super. Ct., Alameda County, Sept. 24, 1990), 383, 863

Thorpe v. New Hampshire Dep't of Corrections
575 A.2d 351 (N.H. 1990), 753

Thurston v. Durose
564 N.E.2d 647 (N.Y. 1990), 1403

Tice v. Botetourt County School Bd.
908 F.2d 1200 (4th Cir. 1990), 873

Tice v. Oklahoma [46,222], 1174

Timm v. Gunter
917 F.2d 1093 (8th Cir. 1990), 1312

Tipton v. Secretary of Educ. [45,765], 713

Tite v. Kustra [46,314], 1289

Titus v. Sullivan [46,332], 1385

Todd's Mobile Court v. Matthews [45,852]
No. JP17-89-C-838 (Del. J.P. Ct. No. 5, Sussex County, July 27, 1990), 734

Tomas v. Rubin [46,219], 1181

Toombs v. Bell
915 F.2d 345 (8th Cir. 1990), 1200

Torres v. Housing Auth. of Hartford [45,566]
No. CVH 9003-3492 (Conn. Super. Ct., Hartford/New Britain Jud. Dist., Mar. 16, 1990), 138

Torrez v. Public Serv. Co. of N.M.
908 F.2d 687 (10th Cir. 1990), 872

Toussaint v. McCarthy
918 F.2d 752 (9th Cir. 1990), 1312

Townsend, *In re* [46,296]
(SSA, Office of Hearings & App., Dec. 3, 1990), 1299

Trahan v. Brady [42,658]
907 F.2d 1215 (D.C. Cir. 1990), 867

Transportation Inst. v. United States Coast Guard
727 F. Supp. 648 (D.D.C. 1989), 62

Traylor v. Burns
570 A.2d 1204 (Me. 1990), 272

Trentini v. Sullivan
733 F. Supp. 35 (W.D. Pa. 1989), 393

Triplett, *In re* [46,272]
No. 039363 (Del. Dep't of Health & Social Servs., Div. of Social Servs., Dec. 14, 1990), 1303

Tripp v. Juris
559 So. 2d 514 (La. Ct. App. 1990), 620

Trustees of Paul Revere Realty Trust v. Revere License Comm'n
556 N.E.2d 1038 (Mass. App. Ct. 1990), 875

Trustees of Tufts College v. Ramsdell
554 N.E.2d 34 (Mass. App. Ct. 1990), 617

Turner v. Chicago Hous. Auth. [45,851]
No. 89 C 5801 (N.D. Ill. June 28, 1990), 596

Turner v. Ledbetter [42,651]
906 F.2d 606 (11th Cir. 1990), 756

Turney v. O'Toole
898 F.2d 1470 (10th Cir. 1990), 390

Turpin v. Sullivan [44,994]
No. SA-89-CA-384 (W.D. Tex. Jan. 25, 1991), 1386

Tyler v. United States Dep't of Labor [43,876]
752 F. Supp. 32 (D. Me. 1990), 1401

Tyler House Tenant Council v. Tyler House Apartments [42,409]
No. 1636-87 (D.C. Super. Ct. Apr. 27, 1990), 1172

—U—

Umanzor-Alvarado v. INS
896 F.2d 14 (1st Cir. 1990), 160

United Elec., Radio & Mach. Workers of Am. v. Brock
731 F. Supp. 1082 (Ct. Int'l Trade 1990), 273

United Farm Workers of Am. v. INS [42,723]
No. CIV S-87-1064 JFM (LKK) (E.D. Cal. Sept. 18, 1990), 832

United Mortgage Servs. v. Jimerson [45,672]
No. 89 CH 484 (Ill. Cir. Ct., Cook County, Nov. 29, 1989), 246

United States v. Barry
904 F.2d 29 (11th Cir. 1990), 749

United States v. Bear
915 F.2d 1259 (9th Cir. 1990), 1199

United States v. Board of Trustees for Univ. of Ala.
908 F.2d 740 (11th Cir. 1990), 874

United States v. City & County of San Francisco
748 F. Supp. 1416 (N.D. Cal. 1990), 1304

United States v. City of Montgomery, Ala.
744 F. Supp. 1089 (M.D. Ala. 1990), 1193

United States v. Ellis
907 F.2d 12 (1st Cir. 1990), 752

United States v. General Elec. Capital [45,754]
No. N-89-483 (EBB) (D. Conn. Oct. 2, 1989), 710

United States v. Gibbs [46,170]
No. 90-01-JLL (D. Del. Oct. 31, 1990), 1156

United States v. Greyfox
727 F. Supp. 576 (D. Or. 1989), 64

United States v. Grundhoefer [46,129]
916 F.2d 788 (2d Cir. 1990), 1158

United States v. Jones [45,779]
No. C89-426D (W.D. Wash. July 19, 1989), 380

United States v. The Leasehold Interest in 1-25 Astoria Blvd. [45,819], 597

United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859]
No. 90-CV-71173-DT (E.D. Mich. July 30, 1990), 597

United States v. A Leasehold Interest in Property Located at 884 S. Maple [45,858]
No. 90-71172 (E.D. Mich. Sept. 4, 1990), 597, 848

United States v. Moore [45,755]
No. CA3-89-2531-G (N.D. Tex. Oct. 20, 1989), 710

United States v. NCB Business Servs. [44,835]
No. 89 CIV 6834 MBM (S.D.N.Y. Oct. 17, 1989), 128

United States v. Nicely [45,639]
No. 2:89-1086 (S.D. W. Va. Apr. 24, 1990), 267

United States v. Rangel-Navarro
907 F.2d 109 (9th Cir. 1990), 747

United States v. Rent Am. Corp.
734 F. Supp. 474 (S.D. Fla. 1990), 624

United States v. Stazola
893 F.2d 34 (3d Cir. 1990), 64

United States v. Todd Corp.
900 F.2d 164 (9th Cir. 1990), 390

United States v. Watson
893 F.2d 970 (8th Cir. 1990), 161

United States Dep't of Labor v. Triplett
58 U.S.L.W. 4388 (Mar. 27, 1990), 270

Universal Motor Lodges v. Holt [45,661], 261

Universal Motor Lodges v. Seignious [45,668]
550 N.Y.S.2d 800 (Elmsford, N.Y., Justice Ct., Westchester County 1990), 261

Upmann v. Terhark
558 N.E.2d 568 (Ill. Ct. App. 1990), 870

Urich v. White [43,258]
No. 88-0187 (M.D. Pa. Aug. 21, 1989), 38

Utah *ex rel.* L.D.S. v. Stevens
797 P.2d 1133 (Utah Ct. App. 1990), 1198

Utah Dep't of Social Servs. v. Adams [46,357]
No. 890690-CA (Utah Ct. App. Jan. 23, 1991), 1389

—V—

V., *In re* [46,311]
(SSA, Office of Hearings & App., Sept. 7, 1990), 1290

V., D.J., Adoption of, *In re*
796 P.2d 1076 (Mont. 1990), 1190

V., S.A., *In re*
798 S.W.2d 293 (Tex. Ct. App. 1990), 1393

Valdivia v. California Dep't of Health Servs. [45,464]
No. S-90-1226 EJG EM (E.D. Cal. Jan. 11, 1991), 1162, 1378

Valente v. Sullivan
897 F.2d 54 (2d Cir. 1990), 276

Van Gilder v. Valdez [45,697], 252, 593

Van Hoose v. Van Hoose [45,716]
No. 433 (Ohio Ct. App. Apr. 19, 1990), 364

Vance v. Gaines & Sons Funeral Home [45,854]
No. 64,431 (Kan. Ct. App. Apr. 6, 1990), 585

Vance v. Sullivan [45,528]
No. 89-9100 (E.D. Pa. Mar. 9, 1990); No. 89-9100 (E.D. Pa. Dec. 20, 1990), 57, 150, 1184, 1281

Vanscoter v. Sullivan [41,726]
920 F.2d 1441 (9th Cir. 1990), 1402

Vaswani v. Wohletz
396 S.E.2d 593 (Ga. Ct. App. 1990), 1197

Vaughns v. Board of Educ. of Prince George's County [36,320]
742 F. Supp. 1275 (D. Md. 1990), 839

Vazquez v. Carver
729 F. Supp. 1063 (E.D. Pa. 1989), 161

Veal v. First Am. Sav. Bank [43,467]
914 F.2d 909 (7th Cir. 1990), 717, 1192

Velez v. Kemp [46,191], 1169

Venetta v. Battle [46,347]
No. 88AP-1044 (Ohio Ct. App. Oct. 18, 1990), 1384

Verification Issues, *In re* [46,306]
(Ill. Dep't of Pub. Aid Dec. 19, 1990), 1303

Verna v. Coler [42,310]
893 F.2d 1238 (11th Cir. 1990), 158

Vianello v. Pacifico
905 F.2d 699 (3d Cir. 1990), 746

Vidal v. Rivas
556 So. 2d 1150 (Fla. Dist. Ct. App. 1990), 272

Vierra v. Rubin [44,266]
915 F.2d 1372 (9th Cir. 1990), 1301

Vigil v. Rhoades [41,674]
746 F. Supp. 1471 (D.N.M. 1990); No. 86-1182-JB (D.N.M. Aug. 28, 1990), 604, 853

Villa v. Sullivan
895 F.2d 1019 (5th Cir. 1990), 162

Village of Bellwood v. Dwivedi
895 F.2d 1521 (7th Cir. 1990), 160

Villegas v. Concannon
742 F. Supp. 1083 (D. Or. 1990), 1195

Visser v. Taylor [46,069]
No. 90-2280-0 (D. Kan. Sept. 10, 1990), 843

Vogt v. Vogt
455 N.W.2d 471 (Minn. 1990), 619

—W—

W., *In re* [45,663]
458 N.W.2d 437 (Minn. Ct. App. 1990), 264

W., *In re* [46,173]
No. XC 29 380 963 (Bd. of Veterans' App. Apr. 11, 1990), 1180

W., A.L., *In re*
451 N.W.2d 416 (Wis. 1990), 164

W., C.M. v. C.W.
786 S.W.2d 623 (Mo. Ct. App. 1990), 390

W., L.N., *In re*
457 N.W.2d 17 (Iowa Ct. App. 1990), 752

W., M.L., *In re*
788 S.W.2d 759 (Mo. Ct. App. 1990), 626

W., T., *In re*
453 N.W.2d 436 (Neb. 1990), 386

Wagner v. City of Oak Park Heights, Minn. [45,658], 260

Wagner v. Secretary of HHS
906 F.2d 856 (2d Cir. 1990), 753

Wahl v. Kemp [46,200], 1170

Walker, *In re*
558 N.E.2d 691 (Ill. App. Ct. 1990), 877

Walker v. Department of Health & Rehabilitative Servs. [45,071]
554 So. 2d 1202 (Fla. Dist. Ct. App. 1989), 64

Walker v. HUD [42,158]
734 F. Supp. 1231 (N.D. Tex. 1989); 912 F.2d 819 (5th Cir. 1990), 598, 1166

Walker v. Sumner
917 F.2d 382 (9th Cir. 1990), 1312

Wallace v. Holy Temple Homes [46,138]
No. 89-0404-CV-W-1 (W.D. Mo. Nov. 29, 1989), 1168

Wallace v. Robinson
914 F.2d 869 (7th Cir. 1990), 1199

Walsh v. Iowa City Pub. Hous. Auth. [45,841], 595

Walters v. Board of Review of W. Va. Dep't of Employment Sec. [46,104]
No. 89-AA-123 (W. Va. Cir. Ct., Kanawha County, Sept. 19, 1990), 859

Walton v. Cowin Equip. Co.
733 F. Supp. 327 (N.D. Ala. 1990), 388

Ward v. Marturano
394 S.E.2d 16 (S.C. Ct. App. 1990), 871

Ward v. Rosenfeld
562 N.E.2d 674 (Ill. App. Ct. 1990), 1305

Wardlaw v. District of Columbia [45,870], 600

Ware v. Ware
391 S.E.2d 887 (Va. Ct. App. 1990), 620

Wargon v. Industrial Claim Appeals Office of Colo.
787 P.2d 668 (Colo. Ct. App. 1990), 277

Warren v. Warren
563 N.E.2d 633 (Ind. Ct. App. 1990), 1395

Washington v. Harper [43,636]
110 S. Ct. 1028 (1990), 51

Washington *ex rel.* Gibson v. Gibson
800 P.2d 1011 (Haw. Ct. App. 1990), 1395

Washington State Coalition for the Homeless v. Thompson [44,223]
No. 88-2-02864-5 (Wash. Super. Ct., Thurston County, Sept. 5, 1990), 1186

Waterman v. Marquette-Alger Intermediate School Dist.
739 F. Supp. 361 (W.D. Mich. 1990), 750

Watson v. Hampton
569 So. 2d 635 (La. Ct. App. 1990), 1395

Wayne Township of Allen County v. Hunnicutt
549 N.E.2d 1051 (Ind. Ct. App. 1990), 164

We Who Care v. Commissioner, Me. Dep't of Human Servs. [46,024]
No. 90-006-B (D. Me. July 16, 1990), 724

We Who Care v. Sullivan [46,026], 742

Weaver v. Chester
393 S.E.2d 715 (Ga. Ct. App. 1990), 870

Weaver v. Colorado Dep't of Social Servs. [45,609]
791 P.2d 1230 (Colo. Ct. App. 1990), 135

Weber v. York [45,567]
No. C-880770 (Ohio Ct. App. Mar. 14, 1990), 131

Weberg v. Weberg
463 N.W.2d 382 (Wis. Ct. App. 1990), 1396

Weddel, Marriage of, *In re*
553 N.E.2d 213 (Ind. Ct. App. 1990), 388

Weeks v. Sullivan [45,840]
No. 89-0035 B (D. Me. Nov. 27, 1989), 607

Weirich v. Weirich
796 S.W.2d 513 (Tex. Ct. App. 1990), 1396

Weissel v. Presbyterian St. Lukes Medical Center [46,301], 1300

Welch v. Sheriff, Lubbock County
734 F. Supp. 765 (N.D. Tex. 1990), 627

Welchance v. Bowen
731 F. Supp. 806 (M.D. Tenn. 1989), 277

Weldon v. Kraft, Inc.
739 F. Supp. 972 (E.D. Pa. 1990), 872

Weller v. Department of Social Servs. for Baltimore
901 F.2d 387 (4th Cir. 1990), 625

Wellman v. Department of Human Servs. [45,707]
574 A.2d 879 (Me. Sup. Jud. Ct. 1990), 381

Wells v. Cincinnati Metro. Hous. Auth. [45,996], 729

Wells v. Sullivan
907 F.2d 367 (2d Cir. 1990), 867

Wells v. Wells [45,993]
No. 90-VI 060274 (Ohio Ct. C.P., Tuscarawas County, July 18, 1990), 717

Werre v. Washington Dep't of Social & Health Servs. [46,281]
No. 90-2-00312-1 (Wash. Super. Ct., Thurston County, Sept. 28, 1990), 1285

Western Sizzlin v. Arkansas Director of Labor
783 S.W.2d 875 (Ark. Ct. App. 1990), 163

Westmiller v. Sullivan [42,721]
No. 87-1166L (W.D.N.Y. Feb. 6, 1990), 41

Wetmore v. Gardner
735 F. Supp. 974 (E.D. Wash. 1990), 627

White, Estate of, *In re* [45,787]
No. 87-939 (Fla. Cir. Ct., Hillsborough County, May 16, 1990), 364

White v. Allen
567 So. 2d 295 (Ala. Ct. App. 1989), 1402

White v. Indiana Realty Assocs. II
555 N.E.2d 454 (Ind. 1990), 752

White v. Sullivan
901 F.2d 94 (8th Cir. 1990), 629

White v. Thompson
569 So. 2d 1181 (Miss. 1990), 1399

White v. Winston
789 S.W.2d 459 (Ark. 1990), 748

Whitebird v. Kickapoo Hous. Auth.
751 F. Supp. 928 (D. Kan. 1990), 1400

Whitehead v. Derwinski [43,805]
904 F.2d 1362 (9th Cir. 1990), 632

Whitehouse v. Ives
736 F. Supp. 368 (D. Me. 1990), 624

Wicker v. Wicker [45,869]
No. 881 C.P. 1990 (Pa. Ct. C.P., Blair County, July 2, 1990), 588

Wilcox v. Sullivan
917 F.2d 272 (6th Cir. 1990), 1313

Wiley v. Consolidation Coal Co.
915 F.2d 1076 (6th Cir. 1990), 1196

Wilkerson v. Sullivan [44,589], 855

Willey v. Ives [39,830]
No. 85-0295-B (D. Me. Dec. 6, 1989), 592

Williams v. Andrade [46,059], 853

Williams v. BLM Co.
731 F. Supp. 231 (N.D. Miss. 1990), 273

Williams v. Chase Manhattan Bank, N.A.
728 F. Supp. 1004 (S.D.N.Y. 1990), 63

Williams v. City of New York
726 F. Supp. 1067 (S.D.N.Y. 1990), 61

Williams v. City of Dallas [45,799]
734 F. Supp. 1317 (N.D. Tex. 1990), 588

Williams v. Department of Human Servs. [44,944]
No. HPW 38-90 (N.J. Dep't of Human Servs. Mar. 1, 1990), 59

Williams v. Florida Dep't of Health & Rehabilitation
568 So. 2d 995 (Fla. Dist. Ct. App. 1990), 1399

Williams v. Gering Pub. Schools
463 N.W.2d 799 (Neb. 1990), 1396

Williams v. Illinois State Scholarship Comm'n [42,518]
No. 68869 (Ill. Sup. Ct. Oct. 18, 1990), 1148

Williams v. Lyng [19,468]
No. 176-153 (S.D. Ga. June 20, 1990), 596

Williams v. Milburn [45,646]
No. 90-419-CIV-T-3A98(B) (M.D. Fla. Apr. 9, 1990), 257

Williams v. Sullivan
905 F.2d 214 (8th Cir. 1990), 629

Williams v. Williams
387 S.E.2d 217 (N.C. Ct. App. 1990), 62

Williams v. Williams
789 S.W.2d 781 (Ky. 1990), 748

Williams v. Williams [45,328]
560 So. 2d 308 (Fla. Dist. Ct. App. 1990), 587

Williams v. Wilzack [43,478]
573 A.2d 809 (Md. 1990), 626

Willis v. Illinois Dep't of Employment Sec. [45,504]
No. 89 L 50897 (Ill. Cir. Ct., Cook County, Nov. 6, 1989), 56

Willis v. Sullivan [43,693]
730 F. Supp. 785 (M.D. Tenn. 1990), 270

Willow v. Sullivan
733 F. Supp. 591 (W.D.N.Y. 1990), 630

Wilmer, *In re*
See Wilmer v. Sullivan

Wilmer v. Sullivan [44,791]
(SSA, Office of Hearings & App., Jan. 30, 1990); No. B-89-337 (D. Md. Apr. 30, 1990), 146, 709

Wilson v. Commonwealth Mortgage Corp.
895 F.2d 123 (3d Cir. 1990), 154

Wilson v. Department of Health & Rehabilitative Servs.
561 So. 2d 660 (Fla. Dist. Ct. App. 1990), 750

Wilson v. Illinois Dep't of Employment Sec.
554 N.E.2d 1006 (Ill. App. Ct. 1990), 631

Wilson v. Ledbetter [44,722]
389 S.E.2d 771 (Ga. Ct. App. 1989); 390 S.E.2d 846 (Ga. 1990), 277, 632

Wilson v. Seiter
893 F.2d 861 (6th Cir. 1990), 161

Wilson v. Sullivan
734 F. Supp. 157 (D.N.J. 1990), 630

Wilson v. Sullivan [41,069]
751 F. Supp. 1281 (N.D. Ill. 1990), 1392

Winston v. Children & Youth Servs. of Delaware County
748 F. Supp. 1126 (E.D. Pa. 1990), 1311

Wint v. Yeutter
902 F.2d 76 (D.C. Cir. 1990), 625

Wisconsin v. Baeza
457 N.W.2d 522 (Wis. Ct. App. 1990), 756

Wisconsin *ex rel.* A. v. S.
456 N.W.2d 867 (Wis. Ct. App. 1990), 749

Wisconsin *ex rel.* Girouard v. Jackson County Circuit Court
454 N.W.2d 792 (Wis. 1990), 627

Wisconsin Coalition for Advocacy v. Gudeman [46,364]
No. 90CV005918 (Wis. Cir. Ct., Milwaukee County, Jan. 23, 1991), 1384

Withey v. Perales [41,763]
752 F. Supp. 569 (W.D.N.Y. 1990); 920 F.2d 156 (2d Cir. 1990), 382, 860, 1402

Wolford v. Gatson
391 S.E.2d 364 (W. Va. 1990), 631

Womack v. Florida Dep't of Health & Rehabilitative Servs.
569 So. 2d 1362 (Fla. Dist. Ct. App. 1990), 1403

Woodland Manor Apartments v. Rodriguez [46,058]
No. 90-C-0600 (Pa. Ct. C.P., Lehigh County, Aug. 30, 1990), 850

Woods v. Dahlberg
894 F.2d 187 (6th Cir. 1990), 156

Woolfolk v. Rubin [44,822]
No. N-88-266 (EBB) (D. Conn. Feb. 2, 1990), 127

Woolfolk v. Van Ru Credit Corp. [45,917]
No. N 88-268 (EBB) (D. Conn. Oct. 2, 1990), 1152

Worley v. Whiddon
398 S.E.2d 401 (Ga. App. Ct. 1990), 1395

Wright, Marriage of, *In re*
788 S.W.2d 350 (Mo. Ct. App. 1990), 620

Wright v. Bowen [45,726]
No. H-88-474 (AHN) (D. Conn. Mar. 30, 1990), 368

Wright v. Sheppard
919 F.2d 665 (11th Cir. 1990), 1305

Wright v. Sullivan
900 F.2d 675 (3d Cir. 1990), 628

Wright v. Virginia Dep't of Social Servs.
388 S.E.2d 477 (Va. Ct. App. 1990), 160

Wyant, Marriage of, *In re*
554 N.E.2d 782 (Ill. App. Ct. 1990), 620

—X—

X., *In re*
559 N.E.2d 418 (N.Y. 1990), 1190

—Y—

Y., *In re* [45,979]
No. 319-158188 (Ohio Dep't of Human Servs. June 1, 1990), 731

Yarbaugh v. Roach [45,802]
736 F. Supp. 318 (D.D.C. 1990), 605

Yates v. North Carolina Dep't of Human Resources
390 S.E.2d 761 (N.C. Ct. App. 1990), 386

Yawn v. Greelish [46,289]
No. 89-16071-CA (Fla. Cir. Ct., Duval County, Aug. 16, 1990), 1295

Yellow Freight Sys., Inc. v. Donnelly
58 U.S.L.W. 4420 (U.S. Apr. 17, 1990), 270

York v. Sullivan [45,839]
No. 88-0336 P (D. Me. Feb. 5, 1990), 608

Young v. New York City Transit Auth.
729 F. Supp. 341 (S.D.N.Y. 1990); 903 F.2d 146 (2d Cir. 1990), 157, 618

Young v. Pierce [41,451]
No. P-80-8-CA (E.D. Tex. Sept. 10, 1990), 1170

Young v. Rohadfox [45,618]
No. 4118/89 S (Syracuse, N.Y., City Ct., Dec. 15, 1989), 140

Young v. Sullivan
911 F.2d 180 (9th Cir. 1990), 1202

Young Sock Jang v. Sahng Y. An [46,261], 1296

—Z—

Zachary v. Sullivan [46,069], 856

Zayas-Green v. Casaine
906 F.2d 18 (1st Cir. 1990), 746

Zebley v. Sullivan [43,127]
110 S. Ct. 885 (1990); No. 83-3314 (E.D. Pa. May 3, 1990), 52, 265, 609

Zellous v. Broadhead Assocs.
906 F.2d 94 (3d Cir. 1990), 747

Zeman v. V.F. Factory Outlet, Inc.
911 F.2d 107 (8th Cir. 1990), 1193

Zimmer v. Moon Township [45,573]
No. 89-1139 (W.D. Pa. Mar. 19, 1990), 138

Zinermon v. Burch
110 S. Ct. 1331 (U.S. 1990), 160

Zockert v. Fanning [46,286]
310 Or. 514 (1990), 1284

Zummo v. Zummo
574 A.2d 1130 (Pa. Super. Ct. 1990), 620

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